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(26 JULY 2005)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 26 July 2005, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (Deputy Mayor) North Ward
Cr Ian Ker advised that due to another commitment he would be arriving at approximately 7.30pm.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward (from 7.43pm)
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – Voice (until 8.05pm)

Approximately 9 Members of the Public

(c) Members on Leave of Absence:

Nil.

3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

1. Ms Natalie Green of 19 O'Brien Road, Gidgegannup – Item 10.1.17 – Stated there will be no negative impact to the streetscape. Requested that clause (x) be deleted as it will only be the proprietors living on site and is a 'stand alone' site and not a 'shop top' style development. Further requested that the opening hours in clause (xiv) be amended to be 9.00am – 7pm seven days a week as they can apply for exempted general retail certificate from the Department of Consumer Employment Protection. Stated that they do not intend to open 7 days a week at this stage but would like the option should they require to do so in future.

2. Mr Peter Broad of 216 Queen Victoria Street, North Fremantle – Item 10.1.12 – Requested a reduction in the setback requirements as there are number of properties in the area that have a lesser setback. Thanked the Town’s officers for their assistance.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.08pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Special Meeting of Council held on 12 July 2005

Moved Cr Doran-Wu, Seconded Cr Torre

That the Minutes of the Special Meeting of Council held on 12 July 2005 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker absent until 7.43pm.)

6.2 Ordinary Meeting of Council held on 12 July 2005

Moved Cr Torre, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 12 July 2005 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker absent until 7.43pm.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for July 2005

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For July 2005, the award is presented to Naomi Wilton, Administration Officer in the Town's Technical Services Section. Naomi was nominated as a result of a note of appreciation received by the Town from Kingsley Sullivan - Director, New Norcia Bakeries, Mount Hawthorn, who wrote as follows;

"I thought I should bring to your attention the outstanding service I received from Naomi in Technical Services..."

For the fourth time this year and the second in six weeks, my paper crate was not emptied... Despite my being a bit terse and "grumpy" when I first spoke to her, Naomi was pleasant, courteous and most helpful. Even though it took her most of the day to get hold of the recalcitrant contractor, she did get the crate emptied and was able to give me an assurance the contractor will be more diligent in the future.

As an employer of about 65 people, I greatly appreciate receiving good service. Please pass my thanks onto Naomi."

It is always pleasing to receive letters of appreciation, as they are a positive reflection on the Town's employees and the Town of Vincent overall.

The Employee of the Month award is in recognition of Naomi's outstanding efforts.

Well done Naomi - Keep up the good work!!

Received with acclamation.

7.2 Local Government Grants Commission - Public Hearing

The Presiding Member advised that the Western Australian Local Government Grants Commission will be holding a Public Hearing on Wednesday 10 August 2005 between the hours of 2.00pm to 3.30pm at the Town's Administration and Civic Centre.

The role of the Grants Commission is to make recommendations to the State Minister for Local Government for the allocation of general-purpose financial assistance grants to local governments in Western Australia.

A number of public meetings will be held in the metropolitan area and members of the public are welcome to attend.

7.3 Australian of the Year Awards

The Presiding Member advised that the Australia Day Council of Australia is seeking nominations for the Australian of the Year Awards. Nominations are sought for the following categories:

- Australian of the Year;
- Senior Australian of the Year (60 years and over);
- Young Australian of the Year (16 to 25 years); and
- Local Hero (Metropolitan and Regional)

He urged that if anyone knew of anyone that deserves to be nominated then they should do so. Advised that nominations close on 29 August 2005 and that nomination forms are available from the following:

- www.australianoftheyear.gov.au
- Commonwealth Bank branches
- National Seniors Association branches
- State and Territory Australia Day organizations
- Holiday Inn Hotels and Resorts
- Or by calling 1300 655 193.

8. DECLARATION OF INTERESTS

Nil.

9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil.

10. REPORTS

The Presiding Member, Mayor Catania JP, requested that the Chief Executive Officer to advise the meeting of:

The Agenda Items were categorised as follows:

10.1 Items which are the subject of a question or comment from Members of the Public and the following was advised:

Items 10.1.17 and 10.1.12

10.2 Items which require an Absolute Majority which have not already been the subject of a public question/comment and the following was advised:

Items 10.4.2, 10.4.3 and 10.4.6

Presiding Member, Mayor Nick Catania JP, requested Elected Members to indicate:

10.3 Items which Elected Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority and the following was advised:

Cr Chester	Items 10.1.8, 10.1.9, 10.1.14, 10.1.15 and 10.1.18
Cr Doran-Wu	Item 10.1.20
Cr Torre	Nil
Cr Lake	Items 10.1.1 and 10.1.13
Cr Messina	Item 10.1.4
Cr Maier	Items 10.1.5, 10.1.11, 10.1.16 and 10.4.5
Mayor Catania	Item 10.2.4

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

10.4 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Nil.

10.5 **Unopposed items which will be moved "en bloc" and the following was advised:**

Items 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.19, 10.1.21, 10.1.22, 10.1.23, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.4.1, 10.4.4, 10.4.7 and 10.4.8

10.6 **Confidential Reports which will be considered behind closed doors and the following was advised.**

Nil.

The Chief Executive Officer advised the meeting of the **New Order** of which items will be considered, as follows:

(a) **Unopposed items moved en bloc;**

Items 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.19, 10.1.21, 10.1.22, 10.1.23, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.4.1, 10.4.4, 10.4.7 and 10.4.8

(b) **Those being the subject of a question and/or comment by members of the public during "Question Time";**

Items 10.1.17 and 10.1.12

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

Moved Cr Torre, Seconded Cr Messina

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.3, 10.1.6, 10.1.7, 10.1.10, 10.1.19, 10.1.21, 10.1.22, 10.1.23, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.4.1, 10.4.4, 10.4.7 and 10.4.8

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker absent until 7.43pm.)

10.1.2 Nos. 45-47 (Lot 21 D/P: 66059) Stuart Street, Corner Pental Lane, Perth - Proposed Nineteen (19) Three Storey Grouped Dwellings – Amended Plans

Ward:	South	Date:	20 July 2005
Precinct:	Beaufort; P13	File Ref:	PRO2913; 5.2004.2455.1
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp dated 8 July 2005 (ground floor site plan, Stuart Street elevation, internal driveway elevations and sections) and 20 July 2005 (first and second floors site plan, relating to setbacks from Units 1 to 10 to Stuart Street, Pental Lane and the right of way only) to Planning Approval (Serial No. 00/33/2455) granted by the Council on 22 March 2005 and issued on 11 April 2005 , for proposed Nineteen (19) Three Storey Grouped Dwellings at Nos. 45-47 (Lot 21 D/P: 66059) Stuart Street, corner Pental Lane, Perth.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Council at its Ordinary Meeting held on 12 July 2005 resolved to advertise the draft Policy relating to Variations to Planning Approval and Building Licence plans.

Landowner:	Faststart Enterprises Pty Ltd
Applicant:	Omni Design Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential / Commercial (R80)
Existing Land Use:	Warehouse and Office Building
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	3495 square metres
Access to Right of Way	West side, 3.04 metres wide, sealed and Town owned.

BACKGROUND:

Conditional approval was granted by the Council at its Ordinary Meeting held on 22 March 2005 for proposed nineteen (19) three storey grouped dwellings, at the subject property.

DETAILS:

The external differences between the current revised Building Licence Application plans and the previous Planning Approval plans are as follows:

- **Finished Ground Floor Levels of Main Dwelling**

Unit Number	Finished Ground Floor Levels for Dwelling Approved at OMC 20 March 2005	Proposed on Building Licence Application Plans	Variation	Officer Comments
Unit 1	15.729	15.986	Increase 257mm	Height still complies with R Codes, therefore acceptable.
Unit 2	15.472	15.728	Increase 256mm	Height still complies with R Codes, therefore acceptable.
Unit 3	15.215	15.471	Increase 256mm	Height still complies with R Codes, therefore acceptable.
Unit 4	14.958	15.043	Increase 85mm	Height still complies with R Codes, therefore acceptable.
Unit 5	14.701	15.298	Increase 342mm	Height still complies with R Codes, therefore acceptable.
Unit 6	14.529	14.872	Increase 343mm	Height still complies with R Codes, therefore acceptable.
Unit 7	14.357	14.615	Increase 258mm	Height still complies with R Codes, therefore acceptable.
Unit 8	14.271	14.358	Increase 87mm	Height still complies with R Codes, therefore acceptable.
Unit 9	14.185	14.272	Increase 87mm	Height still complies with R Codes, therefore acceptable.
Unit 10	14.099	14.18	Increase 81mm	Height still complies with R Codes, therefore acceptable.
Unit 15	14.958	15.044	Increase 86mm	Height still complies with R Codes, therefore acceptable.
Unit 16	14.701	14.787	Increase 169mm	Height still complies with R Codes, therefore acceptable.
Unit 17	14.443	14.529	Increase 86mm	Height still complies with R Codes, therefore acceptable.
Unit 18	14.186	14.272	Increase 86mm	Height still complies with R Codes, therefore acceptable.

• **Finished Ground Floor Levels of Garages**

Unit Number	Finished Ground Levels for Garage Approved at OMC 20 March 2005	Proposed on Building Licence Application Plans	Variation	Officer Comments
Unit 1	15.643	15.90	Increase 257mm	Height still complies with R Codes, therefore acceptable.
Unit 2	15.386	15.642	Increase 256mm	Height still complies with R Codes, therefore acceptable.
Unit 3	15.129	15.385	Increase 256mm	Height still complies with R Codes, therefore acceptable.
Unit 4	14.872	15.128	Increase 256mm	Height still complies with R Codes, therefore acceptable.
Unit 5	14.615	14.957	Increase 342 mm	Height still complies with R Codes, therefore acceptable.
Unit 6	14.443	14.786	Increase 343mm	Height still complies with R Codes, therefore acceptable.
Unit 7	14.271	14.529	Increase 258mm	Height still complies with R Codes, therefore acceptable.
Unit 8	14.185	14.272	Increase 87mm	Height still complies with R Codes, therefore acceptable.
Unit 9	14.099	14.186	Increase 87mm	Height still complies with R Codes, therefore acceptable.
Unit 10	14.013	14.094	Increase 81mm	Height still complies with R Codes, therefore acceptable.
Unit 15	14.872	14.958	Increase 86mm	Height still complies with R Codes, therefore acceptable.
Unit 16	14.615	14.701	Increase 86mm	Height still complies with R Codes, therefore acceptable.
Unit 17	14.357	14.443	Increase 86mm	Height still complies with R Codes, therefore acceptable.
Unit 18	14.100	14.186	Increase 86mm	Height still complies with R Codes, therefore acceptable.

• **Ground Floor Setback from Stuart Street- Main Building**

Unit Number	Stuart Street Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
Unit 1	5784	5745	Decrease 39 mm	Setback still complies with R Code, therefore acceptable.
Unit 2	6350	6310	Decrease 40 mm	Setback still complies with R Code, therefore acceptable.
Unit 3	6443	6422	Decrease 21 mm	Setback still complies with R Code, therefore acceptable.
Unit 4	5991	5970	Decrease 21 mm	Setback still complies with R Code, therefore acceptable.

Unit Number	Stuart Street Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
Unit 5	5542	5519	Decrease 23 mm	Setback still complies with R Code, therefore acceptable.
Unit 6	5091	5069	Decrease 22 mm	Setback still complies with R Code, therefore acceptable.
Unit 7	4640	4616	Decrease 24 mm	Setback still complies with R Code, therefore acceptable.
Unit 10	3302	4000	Increase 698 mm	Setback still complies with R Code, therefore acceptable.

- **First Floor Setback from Stuart Street**

Unit Number	Stuart Street Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
Unit 9	3002-3273	3384-3670	Increase 382-397 mm	Increase in setback, therefore acceptable.
Unit 10	3284-3559	3714-4000	Increase 430-441 mm	Increase in setback, therefore acceptable.

- **Second Floor Setback from Stuart Street**

Unit Number	Stuart Street Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
Unit 9	3002-3370	3384-3751	Increase 381-382 mm	Increase in setback, therefore acceptable.
Unit 10	3559	4000	Increase 441 mm	Increase in setback, therefore acceptable.

- **Ground Floor Setback from Pandal Lane- Main Building**

Unit Number	Pandal Lane Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
10	1550	1925	Increase 375 mm	Increase in setback, therefore acceptable.

• **First and Second Floor Setback from Pental Lane**

Unit Number	Pental Lane Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
10	1550	1925	Increase 375 mm	Increase in setback, therefore acceptable.

• **First and Second Floor Setback from Right of Way**

Unit Number	Pental Lane Setback Approved at OMC 20 March 2005 (mm)	Proposed on Building Licence Application Plans(mm)	Variation	Officer Comments
1	3324	3211	Increase 113 mm	Increase in setback, therefore acceptable.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The amended plans (Building Licence Application plans) do not result in any greater variation to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as the plans do not involve any greater variation to the development requirements from the previously approved plans.			
Support	N/A		N/A.
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The applicant has advised that the proposed finished floor levels have been increased for several dwellings on advice from the hydraulic engineer. The proposed level of the internal driveway has been predetermined by the levels of the existing rights of way to which the internal driveway connects. The finished floor levels of the dwelling have been determined on the basis of making the finished floor levels higher than the driveway to prevent flooding.

The amended plans (Building Licence Application plans) do not propose any further variation to the Residential Design Codes or the Town's Policies. Therefore, the amended plans are considered acceptable as the changes are minor and are not considered to have an undue impact on the adjoining neighbours. Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence Application) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.3 No. 90 (Lot 16 D/P: 555) Eton Street, Corner Gill Street, North Perth - Proposed Two-Storey Single House- Reconsideration of Condition

Ward:	North	Date:	18 July 2005
Precinct:	North Perth; P8	File Ref:	PRO0546; 5.2005.3051.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P Princi for proposed Two-Storey Single House, at No. 90 (Lot 16 D/P: 555) Eton Street, corner Gill Street, North Perth, and as shown on plans stamp-dated 13 July 2005, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Gill Street and Eton Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency. The solid portion of any new fences and gates adjacent to Gill Street from the eastern boundary for 9.0 metres (adjacent to proposed swimming pool) can increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Eton Street and Gill Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (iii) *the portion of kerb and footpath on the south-east corner of Eton Street and Gill Street shall be removed and reconstructed, with a 6.0 metres radius, by the Town, at the applicant/owner expense to ensure the proposed 4.0 metres wide crossover off Gill Street, complies with the required standards.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Landowner:	P Princi
Applicant:	P Princi
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	531 square metres
Access to Right of Way	N/A

BACKGROUND:

22 March 2005 The Council at its Ordinary Meeting resolved to conditionally approve an application for demolition of existing single house and two (2) outbuildings and construction of a two-storey single house.

DETAILS:

The proposal involves the request for reconsideration of a condition of development approval for demolition of existing single house and two (2) outbuildings and construction of a two-storey single house. The condition being sought for reconsideration is as follows:

"(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum distance of 6.0 metres from the tangent point of the kerb to the location of the crossover. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

The subject land is located in the Eton Locality.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
<u>Setbacks:</u> <u>Ground Floor</u>			
Northern (Front)	6.0 metres	1.5-3.0 metres	Supported - has been previously addressed.
<u>1st Floor</u> Northern (Front)	6.0 metres	1.5-3.0 metres	Supported- as above.
Southern	4.9 metres (or 2.2 metres if balcony is screened to full height)	1.6-7.16 metres	Supported- as above.
Garage - Eton Street Setback	Behind line of front main building wall.	Garage setback 4.97 metres and in front of main building line from Eton Street (de facto primary street).	Supported- as above.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Outdoor Living Area.	To be located behind street setback area.	Located in street setback area.	Supported- as above.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposed crossover width has been reduced from 5.0 metres to 4.0 metres. The existing radius kerb on the south-east corner of Eton Street and Gill Street is in poor condition and needs to be replaced. The Executive Manager Technical Services inspected the site and has advised that there is scope to reduce the kerb radius to 6.0 metres. The works would also require removal and reconstruction of part of the footpath. These proposed works would not only improve footpath and road infrastructure but would also ensure that the proposed crossover complies with the required standards.

With the above in mind, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matter.

10.1.6 No. 12 (Lots 69 and 80 D/P: 4576) Brookman Street, Perth - Alterations and Additions to Existing Carport and Patio and Street Wall/Fence to Existing Single House (Part Application for Retrospective Approval)

Ward:	South	Date:	18 July 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3034; 5.2005.2916.1
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S J Arnell on behalf of the owners P & S J Arnell for Alterations and Additions to Existing Carport and Patio and Street Wall/Fence to Existing Single House (Part Application for Retrospective Approval), at No. 12 (Lots 69 and 80 D/P: 4576) Brookman Street, Perth, and as shown on plans stamp-dated 13 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) within 28 days of notification of this approval, the wall/fence adjacent to Wellman Street shall have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the commencement of these works; and*
- (iii) the northern portion of the carport/patio structure for a minimum width of three (3) metres shall be used for patio purposes only and not for the parking of vehicles, and shall remain open on at least two sides at all times.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Landowner:	SJ & P Arnell
Applicant:	S Arnell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R25
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	304 square metres
Access to Right of Way	N/A

DETAILS / BACKGROUND:

Application for proposed alterations and additions to existing single house (carport and patio) and demolition of existing carport was conditionally approved at the Ordinary Meeting of Council held on 22 March 2005.

A site inspection of the subject property by the Town's Technical Services Officers revealed that works had been undertaken prior to the above Council determination.

Strictly speaking, the carport/patio structure and the Wellman Street brick fence are unauthorised as the structures were constructed prior to being approved by the Council, and the fence does not comply with the Council conditions of approval.

This planning application is for the unauthorised/non-compliant street wall/fence adjacent to Wellman Street and proposed additional roof cover to carport/patio structure.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Open Space	50 per cent	48.2 per cent (Existing covering to carport not included as open space.) (Proposed covering to patio included in open space calculations)	Supported – as the existing development on site equates to 49 per cent open space. This proposal does not significantly reduce the existing open space. The Brookman and Moir Street Development Guidelines support a reduction of open space on-site, where the minimum outdoor living area is achieved. The proposal complies with the above Guidelines.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Street Walls and Fences	Walls/fences to secondary street, the solid portion of wall/fence may increase to a maximum height of 1.8 metres, with at least two (2) significant appropriate design features	Fence 2.4metres high No design features	Supported – no undue impact, as streetscape has similar height existing walls. Not supported – conditioned to comply
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The roof additions to the carport/patio comply with the Residential Design Codes and the Brookman and Moir Streets Development Guidelines. The non-compliant wall/fence has been addressed in the Assessment Table

In light of the above, the application is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 156 (Lot 239 D/P: 1237) Grosvenor Road, North Perth - Proposed Two Storey Addition and Verandah to Existing Single House

Ward:	South	Date:	18 July 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3116; 5.2005.2738.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Groves on behalf of the owner J Groves and C Colley for proposed Two Storey Addition and Verandah to Existing Single House, at No. 156 (Lot 239 D/P: 1237) Grosvenor Road, North Perth, and as shown on plans stamp-dated 23 February 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Landowner:	J Groves & C Colley
Applicant:	J Groves
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	577 square metres
Access to Right of Way	North side, 4 metres wide, sealed, Privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves two storey addition and verandah to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Building wall height: Upper Floor- East	6 metres	6.2 metres - 6.45 metres	Supported - the bulk and scale of the upper floor is not considered to have an undue impact on the surrounding amenity and affected neighbour has stated no objection.
Setbacks Verandah	1.5 metres	0.9 metre	Supported - variation is considered minor, verandah follows the existing main building line and affected neighbour has stated no objection.
Privacy Verandah East	7.5 metres to eastern boundary	0.9 metre to eastern boundary	Supported - affected neighbour has stated no objection.
Consultation Submissions			
Support (2)	• No objections to the proposal		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The variations sought by the applicant (which are addressed in the Assessment Table) are considered to be supportable and not to have an undue impact on the surrounding area and the affected neighbours stated no objection.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions.

10.1.10 No. 6A (Lot 40, Strata Lot 2) Hutt Street, Mount Lawley - Proposed Additional Two-Storey Single House to Existing Single House

Ward:	South	Date:	18 July 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1585; 5.2005.2900.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J D Cook for proposed Additional Two-Storey Single House to Existing Single House, at No. 6A (Lot 40, Strata Lot 2) Hutt Street, Mount Lawley, and as shown on plans stamp-dated 8 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hutt Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to bedroom 1 on the north elevation on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- (iv) subject to first obtaining the consent of the owners of Nos. 6 and 8 Hutt Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 6 and 8 Hutt Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Landowner:	J D Cook
Applicant:	J D Cook
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	521 square metres (Strata Lot 2: 250 square metres)
Access to Right of Way	West side, 4 metres wide, sealed, Town owned

BACKGROUND:

- 30 August 2000 Western Australian Planning Commission conditionally approved the survey strata subdivision.
- 21 November 2000 Council at its Ordinary Meeting resolved to conditionally approve an application for an additional two storey grouped dwelling to the rear of existing dwelling.
- 12 October 2004 Council at its Ordinary Meeting resolved to conditionally approve an application for an additional two storey grouped dwelling to the rear of existing dwelling (design and scale modified to previous approval).

DETAILS:

The proposal involves the development of an additional two storey dwelling on a survey strata subdivided block to the rear of an existing single house. The proposed dwelling is of a smaller scale and bulk, and different design to the previous application approved by the Council on 12 October 2004.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 40	2 dwellings R 40	Noted - no variations
Plot Ratio	N/A	N/A	N/A
Setbacks East elevation - ROW	2.5 metres	1.5 - 1.7 metres	Supported - in keeping with existing building line to right of way.
South elevation	1.0 metre	Nil	Supported - compliant with Building on Boundary provision under the Residential Design Codes.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building on boundary	Building on boundary permitted on one side	Built onto boundary on west and south sides (2 sides)	Supported - minor variation, west boundary wall is onto common strata boundary and south boundary wall is to store which has no undue impact on adjoining neighbour.
Privacy	Window to Bedroom 1 to be setback 4.5 metres, or be screened up to 1.6 metres above finished floor level.	4.2 metres to western boundary	Supported - minor variation and no undue impact on, or comments received from affected neighbour.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The application was advertised and no written submissions were received during this period.

The proposal is considered to be in keeping with the established streetscape and the variations sought by the applicant are supportable and do not have an undue impact on the surrounding area.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.19 No. 310 (Swan Loc 114) Pier Street, Corner Bulwer/Lord/Brewer Streets, Perth - Proposed Signage Additions to Multi-Purpose Sports Stadium (Members Equity Stadium)

Ward:	South	Date:	19 July 2005
Precinct:	Beaufort; P13	File Ref:	PRO1510; 5.2005.3040.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by WA Sign & Print Management on behalf of the owner Town of Vincent for proposed Signage Additions to Multi-Purpose Sports Stadium at No. 310 (Swan Loc 114) Pier Street, corner Bulwer/Lord/Brewer Streets, Perth, and as shown on plans stamp dated 4 July 2005, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage; and*
- (iii) the signage shall be a minimum of 2.75 metres from the finished ground level.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Landowner:	Town of Vincent
Applicant:	WA Sign & Print Management
Zoning:	Metropolitan Region Scheme: MRS Reserve -Parks and Recreation Town Planning Scheme No.1 (TPS 1): MRS Reserve - Parks and Recreation
Existing Land Use:	Recreational facilities with multi purpose sports stadium
Use Class:	Recreational Facilities
Use Classification:	Permitted use
Lot Area:	60702 square metres
Access to Right of Way	N/A

BACKGROUND:

16 December 2003: Council at its Ordinary Meeting considered and recommended approval to the Western Australian Planning Commission (WAPC) for a variety of signage associated with the new naming of the former Perth Oval, now known as "Members Equity Stadium", and the Town of Vincent signage for the above site.

11 June 2004: The WAPC approved the signage which was recommended for approval by Council at its Ordinary Meeting held on 16 December 2003. One of the conditions of approval required a sign strategy being developed for Perth Oval (Members Equity) addressing all signage requirements including sponsor signage to the satisfaction of the Town, Heritage Council of Western Australia and Western Australian Planning Commission, prior to application for any further signage.

DETAILS:

The applicant seeks to install 2 non-illuminated projection signs for the Perth Glory Football Club, to be located at the northern part of the stadium in what is termed as the "Shed" stand area.

In terms of the previous condition recommended by the Council at its Ordinary Meeting held on 16 December 2003, and imposed by the WAPC relating to the provision of a sign strategy, the applicant has advised as follows:

"The proposed metal frame signage "The Shed" is only identification signage and does not relate to any sponsor, sponsorship or advertising. The signage is merely a form of identifying a group of loyal supporters who congregate in one area of the stadium and have become "well known" for their singing, chanting and support of Perth Glory FC."

The first friendly game for Perth Glory is on 6 August 2005 and the first "A" League game is on 26 August 2005. Perth Glory has requested assistance from the relevant agencies for approval to be granted for the installation of the above 2 signs prior to the commencement of the above scheduled games. The applicant's submission is "Laid on the Table".

The Town has forwarded the sign proposal to the Western Australian Planning Commission (WAPC) for its consideration and ultimate determination as the site is reserved under the Metropolitan Region Scheme as "Parks and Recreation".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Projection Signs	2.4 metres in length or a vertical dimension of 500 millimetres	7 metres in length and vertical dimension being 930 millimetres for most parts, except for a small section which is 1720 millimetres.	Supported-on the basis of its location (not visible from Bulwer, Brewer and Lord Streets) and the context to the scale and nature of the site.
	Weight not more than 50 kilograms for each sign.	Proposed weight is 98 kilogram for each sign.	Supported-as the applicant will have to submit structural engineering details at the Sign Licence application stage.

Consultation Submissions	
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

COMMENTS:

Heritage

The Place is included on the State and Local Register of Heritage Places. The location of the signage proposed is not considered to affect the significant Heritage fabric. On the above basis, there is no need for referral to the Heritage Council of Western Australia for comment/approval.

Signs

In this instance, the proposed 2 signs are the only signs for the "Shed" structure. There are currently no other signs on this structure. The submission of a sign strategy is waived in this instance, on the above basis. However, in future, a sign strategy will be required to be submitted and will be strictly enforced prior to the Town considering any other signage proposed for the above site.

The proposed Perth Glory signs, including the variations proposed, are not considered to dominate the immediate area and streetscape, taking into consideration the proposed signage in the context of the size and location of the site and the affected buildings. Both signs are only barely visible from Pier Street. On the above basis, the proposed signage is supported.

Summary

Accordingly, all the proposed signs are recommended for approval, subject to standard and appropriate conditions to address the above matters, as the proposal will not have an undue impact on the amenity of the area.

The Council's decision is required to be forwarded to the Western Australian Planning Commission for determination.

10.1.21 Western Australian Planning Commission – Planning Bulletin No.72 - Child-Care Centres

Ward:	Both	Date:	20 July 2005
Precinct:	All	File Ref:	PLA0022
Attachments	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the correspondence dated 20 June 2005 and accompanying documentation from the Western Australian Planning Commission relating to Planning Bulletin No.72- Child-Care Centres and associated draft Policy, as shown in the Attachment; and*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE Planning Bulletin No.72 – Child-Care Centres and associated draft Policy.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to provide a summary of the contents and objectives of the Western Australian Planning Commission (WAPC) Planning Bulletin No.72 – Child-Care Centres and its implications on the Town of Vincent and its current policy approach to Child Care Centres.

DETAILS:

Planning Bulletin No.72 relating to Child-Care Centres has been prepared by the WAPC. The Planning Bulletin includes a draft Policy on child-care centres which will provide a basis for decision makers and the industry to determine the most appropriate locations for child-care centres. It also outlines the necessary considerations in the design of such centres, such as noise and access issues.

Incorporated as part of the Planning Bulletin is a draft Policy which aims at guiding and assisting local governments in the preparation of scheme provisions and local policies on child-care centres. The close of submissions is 29 July 2005.

Background

A number of recent decisions by the State Administrative Tribunal relating to child care centres and issues raised by the community and local government have identified the need to develop a more consistent approach when considering applications for child care centres.

In addition, the need for a clearer policy direction on child care centres was reinforced by recent demographic studies which have noted the following trends:

- The population of Western Australia has almost doubled to about 2 million people in the last 30 years, and it is expected to rise to approximately 3 million by 2031.
- Household compositions are changing and becoming more diverse. The population is ageing and there is an increasing proportion of smaller households.
- There is a trend for both parents to work due to economic pressures.
- The location of child-care centres close to the workplace is becoming more important, due particularly to parents returning to the workforce earlier and increasing distances between work and home as the city grows.

With the rising demand for child-care centres and their increasing size, a managed approach, that takes into consideration such matters as location, site characteristics, design, traffic, access, noise and health impacts, needs to be promptly established in order to:

- minimise the impact of the location of child-care centres on surrounding areas and vice versa; and
- ensure that the increasing evidence of an oversupply of child-care centres in outer urban areas is controlled.

Underpinning this draft Policy and the Planning Bulletin are the *Community Services (Child Care) Regulations 1988* and the *Community Services (Outside School Hours Care) Regulation 2002* (the Regulations). The Regulations address matters such as staffing, equipment, indoor and outdoor space requirements, shade, fencing, health and safety. The provisions of these regulations should be incorporated and referred to in any policies or scheme texts being prepared by local governments that relate to child care centres.

It is important to note that the Licence to operate a child-care centre, issued under the Regulations, limits the number of children the centre can accommodate.

Objectives

The objectives of this Policy are to:

- (a) locate child-care centres appropriately in relation to the surrounding service area;
- (b) minimise the impact a child care centre has on its surrounds, in particular on the amenity of the existing residential areas;
- (c) minimise the impact the surrounds may have on a child-care centre; and
- (d) consider the health and safe of children attending the child-care centre within the confines of the planning system.

The Planning Bulletin and draft Policy provide guidance on a number of areas of consideration for child-care centres. Provided below is a summary of the main points identified in each section of the draft Policy.

Location

The location of a child-care centre is crucial in meeting the needs of children and their families and limiting the impact a child-care centre may have on surrounding activities and vice versa.

The draft Policy recommends the following criteria be met when considering a proposal for a child-care centre:

- it is in a strategic location to provide the maximum benefit to the community it serves;
- it is part of or within easy walking distance of commercial, recreation or community nodes and education facilities;
- be located in areas where adjoining uses are compatible with a child-care centre;
- it is serviced by public transport; and
- it is of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Unless it can be otherwise demonstrated by the applicant, child-care centres generally would *not* be suitable where:

- the service provided by the centre will have a demonstrable adverse impact on the existing or planned level of child-care services;
- access is from a major road or is in close proximity to a major intersection where there may be safety concerns;
- access is from a local access street where there may be impacts on amenity due to traffic and parking;
- the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on site;
- noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and
- the site may be subject to contamination, within close proximity to high-voltage electricity transmission lines, or subject to external impacts that may be harmful to the staff and children.

Site Characteristics

As a general rule, sites in a residential area should be of regular shape and greater than 1000 square metres.

In general, selected sites should be of sufficient size to accommodate the development, which includes buildings and structures, parking for staff and parents, pick-up and drop off areas, outdoor play areas and landscaping, as determined by the local town planning scheme or relevant local policy and regulations.

Design of Centres

Highlighted in this part of the draft Policy are such considerations as visual appearance, location of parking areas, outdoor play areas and landscaping requirements.

Visual appearance – in the absence of any specific provisions, the visual appearance of the development should reflect the character of the immediate area and enhance its amenity. Where otherwise stated in local government provisions or schemes, the applicant is required to comply with those requirements.

Parking Areas and Parking Requirements – Parking areas should be located in front of the building where possible. If this is not possible, then the area should be easily accessible from the entry to the site. Vehicles must enter and leave the site in forward gear.

The minimum parking requirement for a child-care centre should be one space per five children. Local governments have the ability to vary the car parking requirements dependant on local considerations such as the option for reciprocal parking arrangements, any available public transport and street parking.

Outdoor play areas – these should be in a safe location, and away from any adjoining noise-sensitive premises, such as dwellings and nursing homes.

Landscaping – this should be provided in accordance with the local government requirements. In the absence of any provisions, landscaping is required along the street frontage of the development to a standard equal to that required for properties in the vicinity.

Traffic Impacts

A Traffic Impact Assessment report should be included as part of any application for a child-care centre.

The Traffic Impact Assessment report should address:

- site characteristics and surrounding areas;
- the proposal and its expected trip generation;
- parking requirements (including the design of the parking areas and any pick-up/drop-off areas);
- existing traffic conditions (including accident history in the locality); and
- expected impact of the proposed development on the existing and future traffic conditions.

A child-care centre should be approved only where it can be demonstrated that it will have minimal impact on the functionality and amenity of an area and will not result in unsafe conditions for pedestrians or road users.

Noise Impacts

A noise impact assessment may be required for the development of a child-care centre.

The impact of the child-care centre on adjacent properties and the potential impact of external sources on the child-care centre should be limited.

As a general rule, the hours of operation of a child-care centre should be limited to between the hours of 7am and 7pm weekdays and 8am and 1pm Saturdays.

The following basic principles apply when assessing the likely impact of noise:

- Where a child care centre is located adjacent to a noise-sensitive use, the noise generating activities of such as the outdoor play areas, parking areas and any plant and equipment, are to be located away from the noise-sensitive use.
- Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located adjacent to noise-sensitive areas/uses, noise mitigation measures should be undertaken.
- The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

Need for Child-Care Centres

The WAPC is of the view that although a new centre does not have to demonstrate there is a need for it to be located in a specific area, there may be a requirement for it to be demonstrated that it will not have an adverse impact on the amenity of the area or the level of service provided by similar existing or approved facilities enjoyed by the community.

Consultation

The Policy states that appropriate consultation should be undertaken when considering the likely impacts of a child-care centre on the amenity of an existing residential area.

The minimum requirement should be for the applicant to advise adjoining neighbours in writing and display public advertisements on the site, in accordance with the local governments public notification procedures.

Implementation

Development approval of a child-care centres usually requires the planning consent from the local governments (or in some cases the WAPC) and a licence from the Department of Community Development, pursuant to the *Community Services (Child-care) Regulations 1988* or the *Community Services (Outside School Hours Care) Regulations 2002*. In addition, applicants should be cognisant of the local government local planning schemes and/or local policies that address a variety of other planning matters, in a local context.

Application Requirements

The draft Policy states the following information as being required for an application for a child-care centre, in addition to the necessary application form and fees:

- a written statement outlining the number of children proposed, age group breakdown, days and hours of operation and staff requirement;
- location plan depicting surrounding lots and road layout;
- site contour survey plan, prepared by a licensed land surveyor, indicating the location of the proposed building and the existing building and structures on adjoining land sites;
- a detailed site plan to scale, which clearly defines the boundary and all proposed structures, landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover(s) and kerb locations, verge width and associated road infrastructure (that is, light poles, traffic islands etc);
- scaled floor plans and elevations of all sides of the proposed building;
- traffic impact assessment, if required and considered necessary by the local government or relevant decision making body;
- noise impact assessment, if deemed necessary;
- a signage strategy (that is, elevations and signage details, depicting location, scale and colour); and
- any additional information that might be considered relevant.

Review

If an application is refused or an applicant is aggrieved by any of the conditions imposed as part of the approval, there is a right of review of the decision by the State Administrative Tribunal, in accordance with the relevant legislation. The review and appeal process would be the same as that for any application for development, considered and determined under the *Town Planning and Development Act, 1928*.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

“1.3 *Develop, implement and promote sustainable urban design...*”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Planning Bulletin and associated draft Policy relating to child-care centres, has been prepared to provide guidance in assisting local governments in the preparation of scheme provisions and local policies on child-care centres, and to ensure a more uniform approach is applied to such applications.

The Town has not received many planning applications for child-care centres and the like and it is considered that the Town's Policy relating to Day Nursery/Child Care Centres, appears to function appropriately and provide the necessary guidance to applicants. However, should the Town start to receive an influx of planning applications for such centres the Town's Policy should be reviewed accordingly, with consideration of WAPC Planning Bulletin No. 72 and associated draft Policy.

In light of the above, it is recommended that the Council receives and supports in principle the WAPC Planning Bulletin and draft Policy in line with the Officer Recommendation.

10.1.22 WA Local Government Position on an Interim Public Building Policy

Ward:	Both	Date:	18 July 2005
Precinct:	All	File Ref:	ENS0043
Attachments:	001		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Western Australian Local Government Association (WALGA) position on the two remaining matters in relation to Private Residences and Unenclosed Spaces on the Interim Public Building Policy, outlined in and attached to this report;*
- (ii) *NOTES that the Town's Environmental Health Officers support the WALGA position on the two remaining matters unanimously; and*
- (iii) *ADVISES WALGA that it supports the Western Australian Local Government Association's position.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the WALGA position in relation to the remaining two (2) matters raised by the Department of Health Government of Western Australia, pertaining to the proposed Interim Policy (pending the adoption of new legislation) concerning the clarification of the definition of a Public Building in Western Australia.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 April 2005, background to the 'New Approach to Public Building Management for Western Australia' and the Town's comments to the Department of Health (and copied to WALGA) was included in the Information Bulletin as Item 1B09.

WALGA advised in the InfoPage dated 30 June 2005 that WALGA participated on a Working Group with the Department of Health and articulated the view of organised Local Government as per the survey conducted. With the exception of two (2) matters, all other aspects have been taken on board regarding the proposed Interim Policy until the legislation is amended.

DETAILS:

WALGA advised that the Department of Health is concerned in particular with the removal in the Policy of private residences with organised entertainment and gatherings in unenclosed places. The rationale provided by the Department for inclusion of private residences with organised entertainment is as follows:

'Private residences where large parties have been held with and without live bands are of concern to the Department as in the metropolitan area there have been incidents where injuries and major disruption to neighbours have occurred due to inappropriate locations.

Rave parties also occur at residential properties. Also private residences with organised entertainment, such as fashion parades etc., have caused problems. There have been instances where quite large and inappropriate events have occurred at residential properties; these are often associated with fund raising activities. Issues have arisen over neighbourhood amenity, overcrowding, noise, lack of toilets and crowd control.'

WALGA's rationale for exclusion is as follows:

'Private residences are not public buildings. If they are included there is the capacity for every residence to become a public building. This will result in a huge resourcing issue for Councils. Councils cannot anticipate these events. Local Government can provide advice if approached on toilets, crowd control, potential nuisances. Issues relating to rowdy/unruly behaviour should be dealt with by the police or under noise regulations.'

In relation to the second matter, that is, Unenclosed Spaces, although the Department provided no detailed rationale for the inclusion in the definition, WALGA provided the following rationale for exclusion:

'It is nonsensical to apply public building regulations based on compliance with physical regulations to places that have no physical limits, borders, boundaries or physical structures. However, structures on unenclosed places can be regulated. It was felt that there is a need for a different approach to the management of assemblies in unenclosed spaces. The Guidelines for Concerts, Events and Organised Gatherings should provide a non regulatory framework for the management of events.'

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010: Key Result Area 4:

- *To create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks.*
- *Adopt "Best Practice" to manage the financial resources and assets of the Town.'*

LEGAL/POLICY:

Health (Public Building) Regulations 1992.

CONSULTATION/ADVERTISING:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil if WALGA's position is successful.

COMMENTS:

It is deemed in the Council's interest to unreservedly support WALGA in this endeavour to minimise additional responsibility with cost and legal implications regarding the proposed Interim Policy on applying the new Public Building Definition in Western Australia.

10.1.23 Review Report on Liquor Licensing Act 1988 - Public Comment

Ward:	Both	Date:	18 July 2005
Precinct:	All	File Ref:	ENS0053
Attachments:	-		
Reporting Officer(s):	D Brits, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Liquor Licensing Act 1988 (the Act) Review Report available for public comment at the Department of Racing, Gaming and Liquor, Government of Western Australia, or accessible on the Department's website; and*
- (ii) *ADVISES the Director Liquor Licensing of overall in-principle support; and*
- (iii) *SUPPORTS the proposed amendments for greater local input, in particular, the Licensing Authority is to impose conditions at the request of the relevant local Council.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to approve of comments concerning the Liquor Licensing Review Report in relation to the Liquor Licensing Act 1988 (as amended).

BACKGROUND:

On 9 November 2004, the Council resolved as follows:

That the Council;

- (i) *RECEIVES the report relating to the Review of the Liquor Licensing Act 1988 (the Act) and the Terms of Reference as shown in Attachment 001, received from the Directorate Licensing, Department of Racing, Gaming and Liquor, Government of Western Australia;*
- (ii) *REQUESTS the Department of Racing, Gaming and Liquor to:*
 - (a) *require liquor licensed premises that provide live entertainment with amplified sound and other liquor licensed establishments identified by the Town from time-to-time due to on-going complaints to meet with nearby residents and businesses in a 200 metres radius at appropriate establishment-specific intervals but at least on an annual basis to address noise control, litter and anti-social behaviour control around, and in the immediate vicinity of the premises as standard procedure;*

- (b) *require minutes or satisfactorily documentary evidence that the said meeting has occurred to the Department of Racing, Gaming and Liquor and the local Council accordingly within seven days thereafter; and*
- (c) *require appropriate external security or crowd control presence after closure to facilitate appropriate departure and simultaneously a clean-up of attributable empty bottles, litter, and relevant waste in the immediate vicinity; and*
- (iii) *AUTHORISES the Chief Executive Officer to continue participation in the Western Accord and facilitate through the Manager Health Services and Manager Law and Order Services local business precinct accords to address responsible drinking and periodic assessment and review of licensed establishment management plans particularly regarding responsible drinking, unreasonable noise, litter and external security presence.'*

On 23 November 2004, the Town advised the Chairman of the Liquor Act Review Committee in writing of the Council's resolution. Subsequently, the Review Committee invited the Town's Health Services Manager for an interview during which the Council Resolution was discussed and further explained. The Town's views were recorded and the submission is acknowledged in the Review Report on pages 160 and 165. Currently, the Manager Health Services and Manager Ranger Services and Community Safety also participate in the Western Accord, Vincent Accord and Local Government Alcohol Project to further promote the Town's view regarding harm minimisation and address with other stakeholders the complex matter of external anti-social behaviour and amenity.

DETAILS:

The Review Report on page 23, advises as follows:

'Misuse of alcohol is recognised by the National Drug Strategy as one of the most significant causes of drug related harm in Australia. Consequently, the sale of liquor has been regulated in one form or another in this State. A diverse industry has developed over more than 150 years encompassing production, distribution and sale of alcoholic beverages. The industry makes a measurable contribution to the economy and to the overall enjoyment of the community. Thus, in addressing its terms of reference, the committee found itself often having to balance competing interests to arrive at its view of the changes to the licensing regime that it considered would provide the greatest net benefit to the community overall. In its 2004 submission to the Productivity Commission's Enquiry into National Competition Policy, the Alcohol and Other Drugs Council persuasively argued that alcohol was no ordinary commodity. It is a drug that has been shown to cause considerable social and physical harm especially when it is consumed in binge quantities over a short period. Its misuse places an enormous impost on the Australian community. In the ten years from 1992, an estimated 31,133 deaths were caused by alcohol related disease and injury in Australia and in 1998-99 alone, alcohol misuse is estimated to have cost the West Australian community over \$750 million. In a recent publication of data from the National Alcohol Indicators Project, it was reported that of all the alcohol consumed by Australians in 2001, at least 80% was consumed in ways that put the drinker at risk of acute and/or chronic alcohol related harm. Furthermore, alcohol misuse is also highly correlated with crime. For example, police reports of incidents attended over a four week period in Eastern Sydney showed high levels of alcohol involvement across a number of offence types including street offences (77%) of incidents were alcohol related, malicious damage (58%), domestic violence (40%) and noise complaints (59%). Discussions with police indicate that Western Australia mirrors the Eastern Sydney experience. The Liquor Licensing Act 1988 sets out as a primary objective, the minimisation of harm or ill health caused by the use of liquor. As alcohol is no ordinary substance in that it has the power to cause major potential and actual harm, it follows that it is this fact that leads to the need to carefully regulate the supply and consumption of alcohol.'

One of the principal overall objectives of the National Drug Strategy 2004-2009 is the prevention and minimisation of harm caused by licit (legal) drugs (of which alcohol is the major one). It is acknowledged that the Liquor Licensing Act cannot of itself, however, comprehensive, well-founded and well-drafted, solve the problems flowing from the use and more particularly, abuse of alcohol. Nevertheless, it does have a significant role in establishing the overall framework for minimising harm arising from its use.'

OFFICER COMMENT:

In relation to the Review Report's Summary of Recommendations, Officers recommend in-principal support overall, but list selected recommendations for particular note as follows:

- *The objects of the Act be amended to make it clear that where there is any conflict between the primary objective of harm minimisation and the other objects, promoting the principles of **harm minimisation shall prevail** (page 70);*
- *All licensees and managers must complete an accredited **training** course approved by the licensing authority. (page 71);*
- *All servers of alcohol on licensed premises must be trained in the responsible service of alcohol (to be phased in over 12 months) (page 71);*
- *Licensees must maintain and make available for inspection a register with each staff member's name and a copy of their certificate showing they have completed responsible service of alcohol training. (page 71);*
- *During trading, an **approved manager must always be present** on the licensed premises. (page 71);*
- *Section 64 of the Act be amended to allow the **licensing authority to impose license conditions at the request of local accord members**. (page 73);*
- *The Act be amended to require licensees to provide potable **water free of charge** at all times liquor is sold and supplied on the licensed premises. (page 74);*
- *The Act be amended so that the licensing authority may incorporate guidelines in the Regulations on the responsible promotion of liquor and a condition be imposed on all licenses requiring compliance. (page 75);*
- *All licenses are to have and **maintain an incidents register**. The form and content of the register should be prescribed in the Regulations. (page 75);*
- *The designation of **'cabaret' license be changed to 'nightclub' license**. (page 80);*
- *A new provision be inserted into the Act relating to regulated premises (including **BYO** restaurants), creating an **offence for serving liquor to a drunken person** or allowing a drunken person to consume liquor. (page 91);*
- *All applications for an **extended trading permit for on-going hours** be subject to a **public interest test**, the details of which should be prescribed in the Regulations. (page 97);*
- ***Any on-going hours permitted past 12 midnight have standard conditions imposed in respect of minimum requirements for security and CCTV. These minimum requirements should be prescribed in the regulations**. (page 97);*
- *Section 115(3) of the Act be amended so that a person is deemed to be drunk due to the use of liquor, if the person is on a licensed or regulated premises and their speech, balance, co-ordination or behaviour is noticeably affected. (page 112);*
- *Where a person is **refused entry** or removed from licensed premises that person be required to vacate the immediate proximity of the premises, **including the car park** and failure to do so be an offence. (page 113);*
- *The **police be empowered to move-on individuals who may disturb the peace** in the immediate proximity of licensed premises. (page 113);*
- *The Act be amended so that the character of a person's associates can be taken into consideration in determining whether they are fit and proper under the Act. (page 114);*
- *The Act be amended to facilitate the use of **police intelligence** (protecting the confidentiality of that information) and any appeals be heard in closed session. (page 114);*

- *The police, for identity and probity purposes, be empowered to request the licensing authority to require an applicant to provide fingerprints. (page 115);*
- *A lock out condition be imposed on all nightclub licenses prohibiting entry after 3.00am. (page 116);*
- *Where a person is consuming liquor in a public place contrary to the Act, the police be empowered to simply seize and dispose of any open container. (page 117);*
- *The definition of "liquor" be amended to encompass alcohol without liquor ('AWOL') products and other novelty liquor products that might arise from time to time. (page 120);*
- *Section 87(1) of the Act be amended to remove the exclusion that applies to liquor stores. (page 132);*
- *Section 110 of the Act be amended to create an offence provision for a licensee, manager or a person employed or engaged by the licensee who allows the premises to be used in conjunction with an **illegal activity** (eg consumption of drugs or prostitution). (page 137);*
- *The Act be amended to create **an offence for any person to supply liquor to a juvenile at a private residence** without the consent of the juvenile's parent or guardian, with the burden of proof regarding whether the supply of liquor was authorised by the parent or guardian to lie with the person supplying the liquor. (page 143).*

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the DRGL. Additional information can be obtained by visiting the Department's website: www.rgl.wa.gov.au

The comment period is until 26 August 2005 and comments can be sent to:

Liquor Licensing Review
C/- the Office of the Minister for Racing, Gaming and Liquor
20th Floor Governor Stirling Tower
197 St George's Terrace
PERTH WA 6000

Website: www.rgl.wa.gov.au or telephone: 9425 1888.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010: Key Result Area 2: Community Development - '(g) *Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*'

LEGAL POLICY:

Liquor Licensing Act 1988 (as amended).
WA Police Service responsibilities in relation to crime prevention.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The history of complaints in relation to the Town's liquor licensed establishments centre mainly around external human noise, litter and external anti-social behaviour issues. Any person or group is able to comment directly to the Liquor Licensing Review by 26 August 2005 in relation to a particular recommendation(s).

10.2.1 2006/2006 Road Rehabilitation and Upgrade Program

Ward:	Both	Date:	18 July 2005
Precinct:	All	File Ref:	TES0174
Attachments:	001;		
Reporting Officer(s):	R Lotznicher, C Economo		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2005/2006, of the five (5) year (2005/2006 to 2009/2010) Road Rehabilitation and Upgrade Program as outlined in Attachment 10.2.1; and*
- (ii) *NOTES that the remaining four (4) years (2006/2007 to 2009/2010) of the program is "preliminary only" and will be subject to review and change.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2005/2006 budget to specific projects in the 2005/2006 Road Rehabilitation and Upgrade Program.

BACKGROUND:

In 1997 the Council resolved to adopt a long term Road Rehabilitation and Upgrade Program. The program was developed to ensure the Town's road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests, changing conditions and State Funding for roads through the Metropolitan Regional Road Program, it was considered appropriate to review and update the program annually and request that only the first year of the five (5) year program be adopted annually.

DETAILS:

Metropolitan Regional Road Funding

A letter from Main Roads WA was received on 10 June 2005, advising of the approved Metropolitan Local Road Project Grants for 2005/2006 as follows:

Note: The Town's 2005/2006 budget indicates three projects as follows.

Road	Section	Estimated Cost	Grant	TOV contribution
Walcott St	Venn St to Redfern St	\$ 629,946	\$ 419,976*	\$ 104,994**
Bulwer St	William St to Fitzgerald St	\$ 270,000	\$ 180,000	\$ 90,000
London St	Green St to Gill St	\$ 215,000	\$ 143,333	\$ 71,667
	Total	\$1,114,946	\$ 743,309	\$ 266,661

Therefore, \$266,661 comprising of Municipal funds has been allocated in the 2005/2006 Budget for the Road Rehabilitation and upgrade program.

Note* The State grant of \$419,976 has been allocated to the City of Stirling for 2005/2006

Note** City of Stirling will also contribute \$104,994 to the project and undertake the works.

Five Year Road Rehabilitation and Upgrade program

In addition, \$183,339 has been allocated in the 2005/2006 budget for the road rehabilitation and upgrade program. Therefore, the total funds available for the program in 2005/2006 are \$450,000 (*i.e.* \$266,661 + \$183,339).

As outlined in detail in the report presented to Council on 28 April 1997, the "roads" program was initially developed using ROMAN (pavement management software).

The major purpose of ROMAN is to:

- Determine the condition of the existing road network system.
- Establish a priority rating system for road reconstruction and resurfacing works, including special maintenance considerations.
- Determine both short and long term funding requirements.
- Determine AAS27 requirements.

At the 28 April 1997 meeting, the Council was advised as follows:

The results obtained from ROMAN indicate that Council is required to spend in the order of \$8.4 million on its roads over the next 15 years. This equates to an average annual expenditure of \$560,000.

It is important to note that the above funding requirements do not allow for general road maintenance or traffic management works.

The Council subsequently allocated only \$400,000 in the 1997/1998 financial year and this level of annual funding was maintained until 2004/2005.

The first year (2005/2006) and the next four years (2006/2007 to 2009/2010) of the five year road rehabilitation and upgrade program as presented in this report has been updated and revised to include future possible projects to be funded from the State Metropolitan Regional Road Program, projects reprioritised according to road condition, projects associated with other capital works and requests received.

The projected required level of funding has also been revised to ensure the road asset is continually improved relative to its deterioration.

The five (5) year Road Rehabilitation and Upgrade Program is outlined on attachment 10.2.1.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 137 km of roads, which include Primary Distributors, Local Distributors and Access Roads.

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/2006 Capital Works Budget includes funds of \$450,000 for the road rehabilitation and upgrade program.

Results obtained from ROMAN in 1997 indicated the Town was required to spend in the order \$560,000 per annum on its roads.

The draft program attached to this report includes an increased projected level of funding to ensure the road network asset is maintained to the required standard.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

COMMENTS:

At the special meeting of Council held on 12 July 2005, the Council adopted the 2005/2006 budget. The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2005/2006 budget to specific projects in the 2005/2006 Road Rehabilitation and Upgrade Program.

10.2.2 Traffic Management Matters - Referral to Local Area Traffic Management Advisory Group

Ward:	Both	Date:	20July 2005
Precinct:	All	File Ref:	TES0334
Attachments:	-		
Reporting Officer(s):	R Lotznicher, C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matters referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS the following three (3) traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
 - (a) *Bourke Street - Traffic Management and Parking Improvements;*
 - (b) *Anzac Road - Shakespeare St to ~~Hardy~~ Harrow St - Removal of existing speed hump;*
 - (c) *Highlands Rd - Request for cul de sac; and*
- (iii) *RECEIVES a further report on each of the matters listed following consideration by the Town's Local Area Traffic Management Advisory Group.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to refer various traffic matters to the Local Area Traffic Management (LATM) Advisory Group for consideration.

BACKGROUND:

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

DETAILS:

It is recommended that the following matters be referred to the LATM Advisory Group for consideration:

1. Bourke Street - Traffic Management and Parking Improvements
2. Anzac Road, Shakespeare Street to ~~Hardy~~ Harrow Street - Removal of existing speed hump
3. Highlands Rd - Request for cul de sac

A brief outline of each matter is outlined below:

1. Bourke Street - Traffic Management and Parking

Section: Loftus St to Oxford St
Request: Traffic Management and Parking Improvements
Posted Speed: 50kph
Traffic Data: (2005 data)

Section	Volume (vpd)	85% Speed (kph)
Oxford to Burgess	2,420	42
Burgess to Scott	2,238	59
Scott to Fleet	2,580	59

Classification: Local Distributor

Budget: Nil

Comments:

At the Ordinary Meeting of Council held on 10 September 2002, the Council approved angle parking in Richmond Street. It was also noted in the report that the consultation with residents regarding restrictions in the surrounding streets (Bourke and Scott) resulted in very little support for the proposed restrictions in Bourke Street and it was subsequently decided *"That the Council does not implement the proposed alterations to the current parking restrictions in Bourke and Scott Streets."*

Recently the Town received a petition from residents of Bourke Street expressing concerns about parking and traffic in the Street. A site visit confirmed that much of the parking in the street was taken up, probably by students, but vacant parking still existed at regular intervals. Only one of the vehicles parked in the street was illegally parked causing a partial obstruction to a crossover.

It appears that the residents' main issue is that they cannot park immediately outside their houses.

Given the width of the lanes (with parked vehicles), it is surprising that the 85% speeds are 9kph above the posted speed. An assessment carried out in 1996 showed that the 85% speed was 60kph with a traffic volume of 2,417 vehicles per day. Therefore the speeds have not changed with the introduction of the 50kph limit.

2. Anzac Road - Removal of existing speed hump

Section: Shakespeare Street to ~~Hardy~~ Harrow Street
Request: Removal of Speed Hump north of ~~Hardy~~ Harrow Street
Posted Speed: 50kph
Traffic Data: (2001 data) prior to improvements being implemented

Section	Volume (vpd)	85% Speed (kph)
• Shakespeare to Harrow	1,183	61

Traffic Data: (2004 data) after improvements being implemented

Section	Volume (vpd)	85% Speed (kph)
• Harrow to Shakespeare	1,072	52
• Harrow to Loftus	900	49

Note: Traffic volume consistent, however, speeds dropped by 9 and 12 kph! With the introduction of the traffic treatments.

Classification: Local Distributor

Budget: Nil

Comments:

As a result of traffic calming measures introduced in Anzac Road in 2002, between Oxford and Shakespeare Streets, residents of Anzac Road, east of Shakespeare Street, sought to have similar works implemented in the remainder of the street. To this end, a petition was presented to Council in August 2002, whereupon it was referred to the Town's LATM Advisory Group for consideration.

The Anzac Road petition, and the concerns it raised, were discussed in detail at the LATM Advisory Groups meeting held on 3 February 2003 and included two (2) Anzac Road residents as invited guests.

At the conclusion of the discussion, the Group resolved to refer the following suggested actions to Council for consideration.

- The Town to investigate downgrading Anzac Road, between Oxford and Loftus Streets, from a District Distributor B Road to a Local Distributor Road. **Actioned/Implemented**
- Investigate measures to enhance the 'Stop' control in Shakespeare Street including pruning/removal of the adjacent street trees and the installation of approach median islands to accommodate additional signage. **Implemented**
- Install an additional speed hump on approach in Anzac Road (for west bound traffic), adjacent to the Shakespeare Street intersection east side. **Implemented**
- Consider the installation of an additional mid-block speed hump (Oxford Street to Shakespeare Street) near No. 43 to reduce traffic speed when approaching the Shakespeare Street intersection east bound. **Implemented**
- Where a speed hump is to be installed without a corresponding nib, the speed hump is to be extended through to the kerb, i.e. near Harrow Street, south side. **Implemented**
- Agreed not to raise the profile of the existing speed humps at this time. To monitor traffic speed and consider in future if warranted.

In May 2003, the Town wrote to the residents of Anzac Road, Shakespeare Street to Loftus Street, outlining the LATM Advisory Group process and Council's resulting resolution, seeking their comments and feedback.

A total of thirty-seven (37) letters were delivered (to residents) generating some eight (8) responses, representing approximately 22% of those canvassed.

Of the responses, seven (7) were in favour without reservations, while one (1) was in favour but had concerns about the placement of the proposed speed hump adjacent to Harrow Street.

An officer of the Town visited the concerned resident to ascertain and allay their concerns in respect of the proposed location of the speed hump, and it was agreed that it (the speed hump) could be moved marginally west so as not to impede their driveway without compromising the design.

3 Highlands Rd - Request for cul de sac

Section: Ellesmere to Green St
Request: Petition -Request for cul de sac
Posted Speed: 50 kph

Traffic Data: (2003 & 2005)

Section	Volume (vpd)	85% Speed (kph)
• Ellesmere to Green (2003)	190	48
• Ellesmere to Green (2005)	151	48.6

Classification: Access Roads.

Budget: Nil

Comments:

Residents advised they are 'fed up' with hoons in the street. It is alleged the Police advised them to approach the Council and request the installation of a cul de sac in the street. The classifier results indicate that both the speeds and volumes are acceptable and therefore closing the road to traffic would not be supported, however, it is considered that the matter be referred to the LATM Advisory Group for discussion.

Recommendation:

It is recommended that all the above matters be referred to the Town's LATM Advisory Group and that, where appropriate, community representatives for each of the respective matters be invited to attend the meeting/s.

CONSULTATION/ADVERTISING:

Once the matter/s have been considered by the LATM Advisory Group and are referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group."

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2005/2006 draft budget for the above matters.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The matters listed in this report require further investigation prior to any funding being recommended.

It is therefore recommended that the three (3) traffic matters listed in the report be referred to the Town's LATM Advisory Group for consideration and that a further report on each of the matters be referred to the Council once they have been considered by the group.

10.2.3 Progress Report - Involvement of Anglicare in the Town's Annual Hard Waste Bulk Verge Collection

Ward:	Both	Date:	18 July 2005
Precinct:	All	File Ref:	ORG0077
Attachments:	-		
Reporting Officer(s):	R Morphett		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the involvement of Anglicare in the Town's annual hard waste bulk verge collection;
- (ii) **APPROVES** the continuation of the arrangement for Anglicare to collect useful items of hard waste prior to the February 2006 hard waste bulk verge collection subject to the arrangement being reviewed annually; and
- (iii) **RECEIVES** a further progress report regarding the matter by June 2006.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council and seek approval for Anglicare to be involved in the Town's annual hard waste bulk verge collection in 2006 as outlined within the report.

BACKGROUND:

The Council at its Ordinary Meeting held on 2 December 2003 approved a proposal by Anglicare to enhance the Town's annual hard waste bulk verge collection. The proposal involved the collection of 'useful' items of hard waste by Anglicare prior to the February 2004 bulk verge collection.

The Council received a further report on 25 May 2004 reviewing this proposal and recommending the continuation of the arrangement between Anglicare and the Town as follows:

"That the Council;

- (i) **RECEIVES** the report on the involvement of Anglicare in the Town's annual hard waste bulk verge collection;

- (ii) *APPROVES the continuation of the arrangement for Anglicare to collect useful items of hard waste prior to the February 2005 hard waste bulk verge collection subject to the arrangement being reviewed annually; and*
- (iii) *RECEIVES a further report in May 2005 to determine whether the arrangement with Anglicare should continue for subsequent hard waste bulk verge collection."*

DETAILS:

Anglicare Response

The following correspondence was received from Anglicare on 4 July 2005:

"Once again, our sincere thanks to you, your staff and the ratepayers for the opportunity to be involved in the Town of Vincent's recent bulk waste collection.

There was a welcome increase in yield this year over last year, and you may be interested to note the following statistics:

<i>Clothing:</i>	<i>2,830kgs</i>
<i>Bric-a-brac:</i>	<i>2,410kgs</i>
<i>Furniture:</i>	<i><u>5,250kgs</u></i>
<i>TOTAL:</i>	<i>10,490kgs (10.49 tonnes)</i>

We collected from 662 houses this year which gave us a response rate of 4.4% with a yield of 699kg per 1000 households. This was a great result for us.

All the goods collected went directly to our Op Shops as is normal practice, and the funds raised were distributed across Anglicare WA's many and varied programs."

Response from the Town's Contractor

The Town's bulk verge collection contractor D & M Waste Services advised that any increase in tonnages would have an impact on their tender price as they are in the last year of contract and they work on a fixed price for the collection.

Therefore, their concern is that should Anglicare continue to be involved in the collection and tonnage increases, so will the ultimate cost of the collection to the Town.

Officers Comments:

Anglicare WA is a state wide agency with a unique range of services, including:

- Community Development (including Housing, Youth, Financial Counselling and Crisis Services)
- Relationship Services
- Employment Services
- Corporate Services (including Fundraising and Op Shops)

They employ almost 300 staff and have a network of over 300 volunteers providing services to almost 25,000 clients every year on an annual turnover of over \$11 million.

The current proposal allows for useful items to be recycled and provided to the needy, while useless material is collected by the Town's contractor and discarded.

Note: Previously all hard waste placed on the verge was discarded except for white goods, which are taken to scrap metal dealers.

Anglicare collect the following - free of charge:

- Old furniture
- White goods
- All discarded material "too good" to throw out

The proposal by Anglicare has merit as items which would normally be discarded by residents during the hard waste collection are recycled and provided to the needy. Anglicare distributes flyers three (3) weeks prior to a collection in each respective area. Residents then phone Anglicare who collect from inside the property. The resident/s still have one (1) week in which to neatly stack any items not suitable for collection by Anglicare on the verge for collection by the Town's hard waste collection contractor.

Residents can also contact Anglicare at any time throughout the year should they have any useful items they no longer need.

It is difficult to ascertain whether the decrease by 9% in total tonnage collected "by the Town" in 2005, over the previous year (2004), was due to the involvement of Anglicare, especially in consideration of the increase in the reports of dumped rubbish in rights of way and on verges.

2003 - Two (2) Weeks Notice	451 Tonnes collected
2004 - Three (3) Weeks Notice	517 Tonnes collected
2005 - Three (3) Weeks Notice	472 Tonnes collected

It is considered that the current arrangement should be continued however should the amount of hard waste increase as a result of the proposal (resulting in cost implications to the Town), the arrangement would need to be reviewed.

CONSULTING/ADVERTISING:

The proposal is advertised by way of leaflet drops at the applicant's expense three (3) weeks before the hard waste collection date.

LEGAL/POLICY:

There are no contractual implications with regard to the proposal.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. *"(l) A waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and which has positive environmental outcomes including investigation of future recycling, waste collection and disposal methods."*

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is considered the proposal by Anglicare has merit as items which would normally have been discarded by residents during the hard waste collection were recycled and provided to the needy.

It is therefore recommended that the Council approves the continuation of the arrangement with Anglicare to collect useful items of hard waste prior to the February 2006 hard waste bulk verge collection and receives a further report by June 2006 to determine whether this arrangement should continue for subsequent hard waste bulk verge collections.

10.3.1 Lease - French Mauritian Society and North Perth Bowling Club - Woodville Reserve

Ward:	North	Date:	11 July 2005
Precinct:	North Perth Precinct	File Ref:	RES0010
Attachments:	001		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the amendment to the lease with the North Perth Bowling Club for the lease of a portion of the land located at Woodville Reserve, Swan Location 2545 part of A Class Reserve 12965;*
- (ii) *APPROVES of a five (5) year lease with the French Mauritian Society for a portion of the land located at Woodville Reserve, Swan Location 2545 part of A Class Reserve 12965, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.3.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF THE REPORT:

To report on the amendment and approval of leases at Woodville Reserve.

BACKGROUND:

The North Perth Bowling Club currently leases a portion of Woodville Reserve, Swan Location 2545 part of A Class Reserve 12965. The parcel of land leased by the bowling club comprises three (3) bowling greens with a number of buildings situated between the bowling greens. They have leased this area since 1992. A new five (5) year lease was recently granted which will expire on the 31 August 2007.

The French Mauritian Society currently leases a portion of the Reserve and use the land for a volley ball court (Refer to attached Plan A4-99086) . The lease period is from 1 October 2004 until 30 September 2006.

DETAILS:

Representatives from the French Mauritian Society and North Perth Bowling Club have held discussions regarding the lease of the un-used bowling green which is currently leased by North Perth Bowling Club. The two groups have requested that it would be preferable for the North Perth Bowling Club lease to be amended and the un-used green removed from their lease and a new lease be created for this green and assigned to the French Mauritian Society. The French Mauritian Society intends to use the currently un-used green for petanque rinks.

LEGAL/POLICY:

The Town's Policy No. "1.2.8 Terms of Lease" specifies a five year term, to a maximum of ten years.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010 Key Result Area

2.1 (a) Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.

3.2 (a) Review leases and commercial contracts to ensure the best return for the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The North Perth Bowling Club currently pays annual lease fees of \$1,938.56 per annum. The French Mauritian Society currently pays annual lease fees of \$200.00. As North Perth Bowling Club's leased area is to be reduced it will be necessary to reduce the annual lease fee accordingly. The reduction in North Perth Bowling Club's lease will be off set by the French Mauritian Society's annual lease fee for the same area.

It is therefore proposed that the North Perth Bowling Club have their annual lease fees reduced by \$400.00 to \$1,538.56 per annum. The annual lease fee for the French Mauritian Society for the un-used bowling green should be \$400.00 per annum.

COMMENTS:

It is recommended that negotiations commence with North Perth Bowling Club with the view of amending their lease of a portion of Woodville Reserve and reducing the leased area from three (3) bowling greens to two (2) bowling greens. A new lease will be drafted for the French Mauritian Society allowing them to lease the un-used bowling green.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	18 July 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

BACKGROUND:

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the Town of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
23/06/05	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate re: Mr and Mrs Cosgrove, Unit 23, Leederville Gardens, 37 Britannia Road, Leederville
30/06/05	Deed of Variation of Lease	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mrs and Mrs Burrows re: Unit 36, Leederville Gardens, Britannia Road, Leederville
30/06/05	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate re: Mr and Mrs Burrows, Unit 36, Leederville Gardens, 37 Britannia Road, Leederville

Date	Document	No of copies	Details
06/07/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval Subiaco Road, Subiaco re: Sponsors Dinner in the Cantona Suite - 19 July 2005
06/07/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval Subiaco Road, Subiaco re: Media Launch in the Gareth Naven Suite - 27 July 2005
12/07/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Arsenal Enterprises of 59 Moojebing Street, Ashfield re: Perth Glory Team Store from 1 July 2005 to 2 May 2006 (Wednesday's Thursdays and Fridays between the hours of 9am to 5pm and subject to other requirements of the Manager that may arise from time to time)
12/07/05	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate re: Ms I C Constantine, Unit 2, Leederville Gardens, 37 Britannia Road, Leederville
15/07/05	Debenture	3	Town of Vincent and Western Australian Treasury Corporation - Refinancing of Stadium Loan

10.4.4 Statutory Review of Local Laws

Ward:	Nil	Date:	19 July 2005
Precinct:	Nil	File Ref:	LEG0019
Attachments:	-		
Reporting Officer(s):	A Smith/John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating the Statutory Review of Local Laws;
- (ii) **pursuant to Sections 3.16 of the Local Government Act 1995 the Council AUTHORISES** the Chief Executive Officer to advertise, for a period of six (6) weeks, its intention to review the following Local Laws;

• <i>Airconditioning Units</i>	• <i>Alfresco Dining</i>
• <i>Beatty Park Leisure Centre</i>	• <i>Display of Items on a Footpath</i>
• <i>Dogs</i>	• <i>Fences, Floodlights and Other External Lights</i>
• <i>Halls and Centres</i>	• <i>Parking Facilities</i>
• <i>Parks and Public Reserves</i>	• <i>Property Numbers</i>
• <i>Removal and Disposal of Obstructing Animals or Shopping Trolleys</i>	• <i>Removal of Refuse, Rubbish and Disused Materials</i>
• <i>Street Lawns and Gardens</i>	• <i>Street Trading</i>
• <i>Streets and Footpaths</i>	• <i>Verandahs and Awnings Over Streets</i>

- (iii) **GIVES** Statewide public notice that:
 - (a) *the local government proposes to review the local laws;*
 - (b) *a copy of the local laws may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local laws may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (iv) **RECEIVES** a further report at the conclusion of the advertising period.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to commence the statutory review process of its Local Laws.

BACKGROUND

The Town of Vincent administers a number of Acts, regulations and local laws. The Acts and regulations are prepared by the State Government and proclaimed by Parliament. Local governments prepare their own local laws under the head of power contained in the Local Government Act 1995, Health Act 1911 and Dog Act 1976. To ensure that the local laws do not become antiquated and remain relevant they are legally required to be reviewed every eight (8) years.

The following is a list of the Town's current local laws indicating when they were gazetted and amended.

Title	Date Gazetted	Date of Amendment
Air Conditioning Units	4 November 1997	N/A
Alfresco Dining	30 April 1998	N/A
Beatty Park Leisure Centre	30 April 1998	N/A
Building Line – Charles Street - REPEALED	14 January 2005	21 December 2004
Caravan - REPEALED	1 May 1998	N/A
Display of Items on a Footpath	14 June 2000	2 March 2001 5 January 2002
Dogs	23 May 2000	30 May 2000 5 December 2000 6 May 2005
Fences, Floodlights and Other External Lights	27 July 1999	11 February 2000
Halls and Centres	30 April 1998	N/A
Health 2004	8 December 2004	N/A
Health (Eating House) 2004	8 December 2004	N/A
Parking Facilities	23 May 2000	5 December 2000 24 August 2001 5 January 2002 20 June 2003 2 December 2003 24 August 2004 14 January 2005
Parks and Public Reserves	22 December 1998	23 March 2004
Property Numbers	25 September 1998	N/A
Removal and Disposal of Obstructing Animals or Shopping Trolleys	22 December 1998	N/A
Removal of Refuse, Rubbish and Disused Materials	1 May 1998	N/A
Repeal of Local Laws	11 November 1997	N/A
Standing Orders	11 September 2001	25 June 2004 14 January 2005
Street Lawns and Gardens	30 April 1998	N/A

Title	Date Gazetted	Date of Amendment
Street Trading	22 December 1998	N/A
Streets and Footpaths	14 June 2000	N/A
Verandahs and Awnings Over Streets	16 January 1998	N/A

It is not intended to review the following local laws as they have only just recently been repealed, substantially reviewed and re-adopted:

Title	Date Gazetted	Date of Amendment
Health 2004	8 December 2004	N/A
Health (Eating House) 2004	8 December 2004	N/A
Standing Orders	11 September 2001	25 June 2004 14 January 2005

The Town proposes to use the Western Australian Local Government Association's (WALGA's) Model Local Laws and modify them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance.

An in-house working group will be formed for the project.

ADVERTISING/CONSULTATION

Section 3.16 of the Local Government Act 1995 states:

"3.16 (2) The local government is to give Statewide public notice stating that:

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given."*

FINANCIAL/BUDGET IMPLICATIONS

The purchase of the WALGA Model Local Laws will cost \$1,500, however this will be much more cost effective than engaging solicitors.

The cost of advertisements will be approximately \$1,000. An amount of \$5,000 has been included in the Budget 2005-2006 for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

LEGAL/POLICY

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged or be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16) was completed.

The local laws are required to be advertised in their current status for a period of six (6) weeks. At the close of the submission period the Town may make any proposed changes and consider any submissions received and then readvertise for a further six week period.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council's Strategic Plan 2005-2010 (Amended) – *Key Result Area 4.2 – Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.*

COMMENTS

As the review of local laws is a statutory requirement, it is recommended that the review process be commenced.

10.4.7 Authorisations - Criminal Procedure Act 2004

Ward:	Both	Date:	18 July 2005
Precinct:	All	File Ref:	LEG0062
Attachments:	-		
Reporting Officer(s):	J McGee		
Checked/Endorsed by:	J MacLean, R Boardman, John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the authorisation of;

- (a) *James Gregor MacLean, Manager Ranger Services and Community Safety;*
- (b) *John Phillip McGee, Coordinator/Prosecutions Officer; and*
- (c) *Peter Michelle Cicanese, Senior Ranger;*

to undertake the functions of Prosecutors, as Defined by S20(1) of the Criminal Procedure Act 2004, for matters related to the enforcement of related Legislation.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

PURPOSE OF REPORT:

To approve of Authorised Officers who will represent the Town in the Magistrates Court, as Prosecutors.

BACKGROUND:

On 2 May 2005, the Criminal Procedure Act 2004 superseded the Justices Act 1902 and all prosecutions that are undertaken by the Town, in relation to "Simple Offences".

DETAILS:

The Criminal Procedure Act 2004 has, since 2 May 2005, made changes to Summary Prosecution procedures relating to "Simple Offences" and "Complaints", made under the Justices Act 1902. These "Complaints" were traditionally signed by the Chief Executive Officer and countersigned by an independent Justice of the Peace. The documents are now referred to as "Prosecution Notices" and "Court Hearing Notices" and will continue to be signed by the Chief Executive Officer and an independent Justice of the Peace, prior to lodgement with the Court.

Under the Criminal Procedure Act 2004, prosecutions at the "*First Mention*" stage of Prosecution will continue to be dealt with by the Senior Ranger and, should the accused plead "*Not Guilty*" and nominate for a Hearing in relation to the charge, the Coordinator/Prosecutions Officer will then deal with the case.

It is now a requirement for the persons who investigate and present the Prosecution evidence to the Magistrates Court, to be authorised, under the Criminal Procedure Act 2004. To enable this authority to be valid, this approval should be given by the Council.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 20 of the Criminal Procedure Act 2004 designates that a person, authorised in writing by a Local Authority, may commence and conduct a Prosecution on their behalf.

STRATEGIC IMPLICATIONS:

This Authorisation is in keeping with intent of the Strategic Plan 2005 - 2010 (Amended) and meets a number of criteria throughout the document.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications involved.

COMMENTS:

The amended Authorisations of the three staff members mentioned are in compliance with the recent changes to Summary Prosecutions Procedure in the Magistrates Court. Their Authorisations will ensure the Ranger Services and Community Safety Section can continue to maintain the expectation of the community. This authorisation is recommended for approval.

10.4.8 Information Bulletin

Ward:	-	Date:	19 July 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 26 July 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.8

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

DETAILS:

The items included in the Information Bulletin dated 26 July 2005 are as follows:

ITEM	DESCRIPTION
IB01	Conservation of Australia's Historic Heritage Places - Productivity Commission Issues Paper
IB02	Letter from Heritage Council of Western Australia - PO2993 Throssell House, Perth, 15 Throssell Street, Perth - Heritage Assessment
IB03	Letter from Swan River Trust - Establishment of the Swan River Trust Development and Regulation Committee
IB04	"Thank you" Email from Mr Parolo of Cleaver Street
IB05	Letter of Thanks from the Development Disability Council of WA re Politician Adoption Ceremony

10.1.17 No. 324 (Lot Y1 D/P: 1230), Oxford Street, corner Marian Street, Leederville - Change of Use from Shop to Shop, Hairdressing Salon, Art Gallery (Unlisted Use), Eating House and Single Bedroom Dwelling, and Associated Alterations, Additions, Carport and Signage

Ward:	North	Date:	18 July 2005
Precinct:	Leederville; P3	File Ref:	PRO0796; 5.2005.2873.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Green on behalf of the owner Synergy WA Pty Ltd and Tonic Holdings Pty Ltd for proposed Change of Use from Shop to Shop, Hairdressing Salon, Art Gallery (Unlisted Use), Eating House and Single Bedroom Dwelling, and Associated Alterations, Additions, Carport and Signage, at No. 324 (Lot Y1 D/P: 1230), Oxford Street, corner Marian Street, Leederville, and as shown on plans stamp-dated 13 May 2005, subject to:

- (i) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Marian Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Marian Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences;*
- (iv) *the floor areas shall be limited to;*
 - (a) *73 square metres of gross floor area for the shop (including the hairdressing salon) component;*
 - (b) *14.5 square metres of public area for the eating house component; and*
 - (c) *21 square metres of gross floor area for the art gallery component.*

Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;

- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (vi) *prior to the first occupation of the development, one (1) class three bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (vii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (viii) *the windows, doors and adjacent floor area facing Oxford and Marian Streets shall maintain an active and interactive frontage at all times to Oxford and Marian Streets;*
- (ix) *the verandah/awning structures shall be a minimum of 600 millimetres from the kerbline of Oxford Street;*
- (x) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xi) *prior to the first occupation of the development, one (1) car parking space provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the dwelling;*
- (xii) *all signage, verandah/awning and flower box structures shall be kept in a good state of repair, safe, free from graffiti, and the signage and verandah/awning structures be non-climbable, for the duration of their display and existence on-site;*
- (xiii) *the signage shall not have flashing or intermittent lighting;*
- (xiv) *the hours of operation for the commercial uses shall be limited to Tuesday to Friday 9:00am to 7:00pm, and Saturday 9:00am to 4:00pm, inclusive, and shall be closed on Mondays and Sundays; and*
- (xv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Messina

That clause (x) be deleted and the remaining clauses renumbered.

Debate ensued.

AMENDMENT CARRIED (5-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Doran-Wu
Cr Chester	Cr Maier
Cr Lake	
Cr Messina	
Cr Torre	

(Cr Farrell was an apology. Cr Ker absent until 7.43pm.)

Moved Cr Torre, **Seconded** Cr Messina

That renumbered clause (xiii) be amended to read as follows:

“(xiii) the hours of operation for the commercial uses shall be ~~limited to Tuesday to Friday 9:00am to 7:00pm, seven days per week and Saturday 9:00am to 4:00pm, inclusive, and shall be closed on Mondays and Sundays; and~~”

Debate ensued.

AMENDMENT CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Lake
Cr Messina	Cr Maier
Cr Torre	

(Cr Farrell was an apology. Cr Ker absent until 7.43pm.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker absent until 7.43pm.)

COUNCIL DECISION ITEM 10.1.17

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Green on behalf of the owner Synergy WA Pty Ltd and Tonic Holdings Pty Ltd for proposed Change of Use from Shop to Shop, Hairdressing Salon, Art Gallery (Unlisted Use), Eating House and Single Bedroom Dwelling, and Associated Alterations, Additions, Carport and Signage, at No. 324 (Lot Y1 D/P: 1230), Oxford Street, corner Marian Street, Leederville, and as shown on plans stamp-dated 13 May 2005, subject to:

- (i) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Marian Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Marian Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences;*
 - (iv) *the floor areas shall be limited to;*
 - (a) *73 square metres of gross floor area for the shop (including the hairdressing salon) component;*
 - (d) *14.5 square metres of public area for the eating house component; and*
 - (e) *21 square metres of gross floor area for the art gallery component.*
- Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (vi) *prior to the first occupation of the development, one (1) class three bicycle parking facility, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
 - (vii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
 - (viii) *the windows, doors and adjacent floor area facing Oxford and Marian Streets shall maintain an active and interactive frontage at all times to Oxford and Marian Streets;*
 - (ix) *the verandah/awning structures shall be a minimum of 600 millimetres from the kerbline of Oxford Street;*
 - (x) *prior to the first occupation of the development, one (1) car parking space provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the dwelling;*
 - (xi) *all signage, verandah/awning and flower box structures shall be kept in a good state of repair, safe, free from graffiti, and the signage and verandah/awning structures be non-climbable, for the duration of their display and existence on-site;*
 - (xii) *the signage shall not have flashing or intermittent lighting;*
 - (xiii) *the hours of operation for the commercial uses shall be 9:00am to 7:00pm, seven days per week; and*
 - (xiv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*
-

Landowner:	Synergy WA Pty Ltd & Tonic Holdings Pty Ltd
Applicant:	N Green
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Shop
Use Class:	Shop, Hairdressing Salon, Art Gallery (Unlisted Use), Eating House and Single Bedroom Dwelling
Use Classification:	"SA", "SA", "SA", "SA" and "P"
Lot Area:	506 square metres
Access to Right of Way	N/A

BACKGROUND:

10 February 1997 The Council conditionally approved change of use to "*Shop (Real Estate Agency)*."

DETAILS:

The proposal involves change of use from shop to shop, hairdressing salon, art gallery (unlisted use), eating house and single bedroom dwelling and alterations, namely two new windows along the Marian Street frontage and awning along the Oxford Street frontage, additional carport and associated signage.

The proposed land use involves a mixture of the land uses as defined under the Town's TPS No. 1. The Town's Officers consider it to be a contemporary development, the type of which the Town is likely to see more of in the future. The applicant describes it as a one stop lifestyle shop.

The eating house, shop, art gallery and hairdressing salon are not mutually exclusive and the intent of these uses being combined under one roof is to create a more holistic experience for the clientele.

The proposed name of the business is *Distracted* and its hours of operation will be Tuesday to Friday 9:00am to 7:00pm, inclusive and Saturday 9:00am to 4:00pm, closed on Mondays and Sundays.

The number of people employed will initially be two (2), being the proprietors. The applicant expects the growth of the business to include up to 4 employees plus the proprietors. The maximum number of clients at the premises at any one time is expected to be 10 to 12 and the equipment used will include non-continuous use of a coffee machine and no more than two hair dryers.

The proposal involves a wall sign located within the Residential zone and attached to a building used predominately for commercial use, and two flower boxes.

It is noted that the office component of the development is seen as incidental to the main land uses and therefore does not require specific approval as an office land use.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	60 square metres for single bedroom dwellings	59 square metres	Noted - compliant with R Codes requirements.
Wall Sign	Not exceed 1.2 square metres in area	11 square metres	Supported - signage is considered to have no undue impact on streetscape and is replacing existing signage that is considered to be more imposing and therefore have a greater undue impact on the streetscape.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

Residential Carparking

Car parking requirements for the residential component of the development have been calculated using the requirement for single bedroom dwellings from the Residential Design Codes (R Codes). The residential component requires 1 car bay. A total of 1 car bay has been allocated for the residential use.

A total of 6 car bays have been provided for the entire development, therefore resulting in five (5) car bays available for the commercial component.

Commercial Carparking

Requirements as per Parking and Access Policy	Required
Car Parking Requirement (nearest whole number) - Eating House (14.5 square metres) – 3.22 car bays - Shop (52 square metres) - 3.46 car bays - Art Gallery (21 square metres) – 0.4 car bay - Hair Dressing Salon (21 square metres) - 1.4 car bays	8 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)	(0.85) 6.8 car bays
Minus car parking on-site	5 car bays
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors) that is, 9 car bays (132.2 square metres of gross floor area for Shop) x 0.85 = 7.65 car bays minus car parking on-site (6 car bays) equals 2 (nearest whole number)	2 car bays
Resultant surplus	0.2 car bay

Bicycle Parking Facilities

Requirements	Required	Provided
Restaurant 1 per 100 (proposed 14.5) square metres public area for employees (class 1 or 2).	0.145 space	No class 1 or 2 facilities provided.
2 spaces plus 1 space per 100 square metres of public floor area for visitors.	0.44 space	No class 3 facilities provided.
Shop and Hair Dressing Salon 1 per 300 (proposed 73) square metres of gross floor area for employees (class 1 or 2).	0.243 space	No class 1 or 2 facilities provided.
1 space per 200 square metres of gross floor area for visitors.	0.365 space	No class 3 facilities provided.

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of nil (0) class 1 or 2 bicycle parking bays, being 0.388 spaces rounded to the nearest whole number, and one (1) class 3 bicycle parking bays, being 0.805 rounded to the nearest whole number.

One (1) class 3 bicycle parking bay is therefore required pursuant to the Town's Policy relating to Parking and Access.

COMMENTS:

Non Residential/Residential Interface

The above proposal was assessed under the previous Policy relating to Non-residential Uses In/Or Adjacent to Residential Areas as it was received prior to 24 May 2005.

The Policy in part states as follows:

That the use "not cause an undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable on residential areas."

It also encourages compatible commercial uses to be located within existing building(s) which compliment the surrounding residential amenity. The proposal was deemed to comply with the above Policy.

In this instance, the subject proposal is considered to acceptable for the following main reasons;

- The proximity to commercial uses to the north along Oxford Street and the proximity to Aranmore Catholic College;
- the corner nature of the site, which helps to alleviate any undue impact from traffic generation;
- the existing approved land use is a shop;
- the existing nil setback is considered appropriate for a commercial land use; and
- the proposal will therefore have no undue impact on the streetscape and amenity of the area.

Signage

The area of the proposed sign is addressed in the above Assessment Table.

Carport

The proposed carport setback, namely 30 millimetres, is considered acceptable by the Town's Officers as it is proposed to be setback behind the main building line in accordance with the Town's Street Setbacks Policy.

Summary

The application was advertised for 21 days in accordance with the Town's "SA" advertising procedure and no written submissions were received during this period.

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.12 No. 2 (Lot 8 D/P: 7288) Farr Avenue, North Perth - Proposed Two (2) Two-Storey Single Houses

Ward:	South	Date:	19 July 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO2572; 5.2005.2841.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Inhouse Building Design on behalf of the owners K Hong and H S Chu for proposed Two (2) Two-Storey Single Houses, at No. 2 (Lot 8 D/P: 7288) Farr Avenue, North Perth, and as shown on amended plans stamp-dated 14 July 2005 and 19 July 2005, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Farr Avenue shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new front fences and gates adjacent to House 1 along the eastern boundary adjacent to Farr Avenue may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) *subject to first obtaining the consent of the owners of No. 4 Farr Avenue for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 4 Farr Avenue in a good and clean condition;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the upper floor balcony of House 1 being setback a minimum of 5 metres from the southern boundary adjacent to Farr Avenue and 1.5 metres from the eastern boundary adjacent to Farr Avenue; and*

- (b) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and bedroom 3 on the western elevation of House 2, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Farr Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Doran-Wu, Seconded Cr Messina

That clause (iv)(a) be deleted and the remaining subclause renumbered.

Debate ensued.

AMENDMENT CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Lake
Cr Messina	Cr Maier
Cr Torre	

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

MOTION AS AMENDED CARRIED (5-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Lake
Cr Messina	
Cr Torre	
Cr Maier	

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Inhouse Building Design on behalf of the owners K Hong and H S Chu for proposed Two (2) Two-Storey Single Houses, at No. 2 (Lot 8 D/P: 7288) Farr Avenue, North Perth, and as shown on amended plans stamp-dated 14 July 2005 and 19 July 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Farr Avenue shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new front fences and gates adjacent to House 1 along the eastern boundary adjacent to Farr Avenue may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) subject to first obtaining the consent of the owners of No. 4 Farr Avenue for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 4 Farr Avenue in a good and clean condition;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and bedroom 3 on the western elevation of House 2, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Farr Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Landowner:	K Hong & H S Chu
Applicant:	Inhouse Building Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	486 square metres
Access to Right of Way	N/A

BACKGROUND:

10 February 2004 Council at its Ordinary Meeting conditionally approved the demolition of existing single house at No. 2 (Lot 8) Farr Avenue.

DETAILS:

The proposal involves two (2) two storey single houses at No. 2 Farr Avenue, North Perth.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.21 dwellings R40	2 dwellings R40	Supported - proposal is compliant with minimum and average lot size for the R40 requirements of the Residential Design Codes.
Plot Ratio	N/A	N/A	N/A
Setbacks: House 1 - Ground Floor- South/Farr Avenue	4 metres	3.28 metres - 4.6 metres	Supported -variation is compliant with minor incursions into street setback area requirements of the Residential Design Codes (R Codes) and is not considered to have an undue impact on the streetscape.

North	1.5 metres	Nil - 1.49 metres - 2.33 metres	Supported - variation is considered minor, building on boundary is compliant with the R Codes in terms of height and length and is not considered to have an undue impact on affected neighbour.
West	1.5 metres	Nil - 1.8 metres	Supported - as above.
Upper Floor-North	3.3 metres	1.49 metres - 4.37 metres	Supported - variation is considered minor and to not have an undue impact on affected neighbour.
South/Farr Avenue (Balcony)	6 metres	3.28 metres	Not supported - it is recommended that the balcony be setback 5 metres from the southern boundary/Farr Avenue in accordance with the Officer Recommendation.
East/Farr Avenue	1.5 metres	1.403 metres	Not supported - it is recommended that the balcony of House 1 be setback a minimum of 1.5 metres from the eastern boundary/Farr Avenue in accordance with the Officer Recommendation.
House 2 -			
Ground Floor-South	1.5 metres	Nil - 1.56 metres - 3.36 metres	Supported - boundary wall is compliant with the building on boundary requirements of the R Codes.
West	1.5 metres	1 metre - 2.3 metres - 4.7 metres	Supported - variation is considered minor and to not have an undue impact on affected neighbour.
East/Farr Avenue	4 metres	2.5 metres	Supported - the Town's Officers are prepared to support a 2.5 metres setback to the ground floor on a site created from a corner lot.

Upper Floor- East/Farr Avenue (Main Dwelling)	6 metres	4 metres	Supported - the Town's Officers are prepared to support a 4 metres setback to the upper floor of a main dwelling on a site created from a corner lot.
East/Farr Avenue (Balcony)	6 metres	3 metres	Supported - the Town's Officers are prepared to support a 3 metres setback to the upper floor balcony on a site created from a corner lot.
West	1.5 metres	1 metre - 1.8 metres - 2.5 metres	Supported - variation is considered minor and to not have an undue impact on the affected neighbours.
Building on Boundary			
House 1	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Building walls on two boundaries.	Supported - height and length of both building walls are compliant with the building on boundary requirements of the R Codes and are considered to not have an undue impact on affected neighbours.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Front setbacks of House 1 • Garage for House 1 on boundary 		<p>Not supported (in part) - the setbacks are not considered to have an undue impact on the surrounding streetscape and it is recommended that the upper floor balcony be setback to 5 metres in accordance with the Officer Recommendation.</p> <p>Not supported - building on boundary is compliant with the R Code requirements in terms of height and length and is not considered to have an undue impact on affected neighbour.</p>

	<ul style="list-style-type: none"> • Garage for House 1 would increase traffic and noise. • Overshadowing 	<p>Not supported - the proposed garage for House 1 is not considered to have an undue impact on the surrounding amenity particularly in terms of traffic and noise.</p> <p>Not supported - proposed development is compliant with the overshadowing requirements of the R Codes.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The variations sought by the applicant (except those relating to House 1 upper floor balcony street setback, which is addressed in the conditions of the Officer Recommendation) are considered supportable as addressed in the Assessment Table.

The proposal was advertised and one objection was received with concerns relating to setbacks, overshadowing, building on boundary and traffic/noise. These concerns are addressed in the above Assessment Table.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.1 No. 164 (Lots 310 and 81) Lincoln Street, Corner Cavendish Street, Highgate – Proposed Two (2) Two-Storey Single Houses - Amended Plans

Ward:	South	Date:	19 July 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0814; 00/33/2711
Attachments:	001		
Reporting Officer(s):	V Lee, T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 22 June 2005 to Planning Approval (Serial No. 00/33/2711) granted by the Council on 12 April 2005 and issued on 21 April 2005, for proposed Two (2) Two-storey Single Houses at No. 164 (Lots 310 and Lot 81) Lincoln Street, corner Cavendish Street, Perth.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted subject to it being amended to read as follows:

"That in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 22 June 2005 to Planning Approval (Serial No. 00/33/2711) granted by the Council on 12 April 2005 and issued on 21 April 2005, for proposed Two (2) Two-storey Single Houses at No. 164 (Lots 310 and Lot 81) Lincoln Street, corner Cavendish Street, Perth, subject to compliance with condition (iii) of the previous Planning Approval granted by the Council on 12 April 2005, which states:

'(iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a screen wing wall extension being provided to the Unit 2 southern elevation upper floor bedroom 4 window with a minimum protrusion length of 1.1 metres and a minimum height of 1.6 metres above the respective upper floor level. The screen wing wall shall be constructed of a permanent obscure material which does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies';"

Debate ensued.

CARRIED (5-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Doran-Wu
Cr Chester	Cr Lake
Cr Maier	
Cr Messina	
Cr Torre	

ADDITIONAL INFORMATION:

It is noted that plans submitted for a Building Licence show a highlight window (a window with sill height of at least 1.6 metres above the respective finished floor level) for bedroom 4 to Unit 2. This does not comply with condition (iii) of the previous Planning Approval as the condition explicitly states that the window must be screened with a wing wall extension to prevent any overlooking. A new Planning Application is required to amend or delete the subject condition.

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Council, at its Ordinary Meeting of Council held on 12 July 2005, resolved to advertise the Draft Policy relating to Variations to Planning Approval and Building Licence Plans.

Landowner:	VN Nguyen and TT Trang
Applicant:	VN Nguyen and TT Trang
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	408 square metres
Access to Right of Way	North side, 3.34 metres wide, unsealed, privately owned.

BACKGROUND:

Conditional approval was granted by the Council at its Ordinary Council held on 12 April 2005 for proposed two (2) two-storey single houses, at the subject property.

DETAILS:

The external differences between the current revised Building Licence Application plans and the previous Planning Approval plans are as follows:

- **Height of Walls**

Unit Number	Height of wall approved at OMC 25 April 2005	Height of wall proposed on Building Licence Plans	Variation	Officer Comments
Unit 1 - ground floor	2400 mm	2572 mm	172 mm	Building height still complies with R Codes, therefore acceptable.

Unit Number	Height of wall approved at OMC 25 April 2005	Height of wall proposed on Building Licence Plans	Variation	Officer Comments
- floor cavity	172 mm	343 mm	171 mm	Building height still complies with R Codes, therefore acceptable.
Unit 2 - Ground floor	2400 mm	2572 mm	172 mm	Building height still complies with R Codes, therefore acceptable.
- floor cavity	172 mm	343 mm	171 mm	Building height still complies with R Codes, therefore acceptable.

- **Access to Store Room**

Unit Number	Approved at OMC on 25 April 2005	Proposed on Building Licence Application Plans	Officer Comments
Unit 2 - Ground floor	Access to store proposed from external door	Access to store proposed from inside dwelling, from meals room	Dwellings assessed as single houses, therefore no requirement for a store room. Therefore, variation to Planning Approval plans acceptable.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The amended plans (Building Licence Application plans) do not result in any greater variation to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as the plans do not involve any greater variation to the development requirements from the previously approved plans.			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The amended plans (Building Licence Application plans) are considered acceptable, as the changes in the amended plans are minor and are not considered to have an undue impact on the adjoining neighbours. Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence Application plans) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.4 No. 367 (Lot 273 D/P: 1237) Fitzgerald Street, Corner Raglan Road, North Perth - Proposed Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Multiple Dwellings and Two (2) Two-Storey Single Bedroom Grouped Dwellings and Associated Home Studio (Home Office) - Reconsideration of Condition

Ward:	South	Date:	14 July 2005
Precinct:	North Perth Centre; P9	File Ref:	PRO2905; 5.2005.3011.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bruce Arnold Architects on behalf of the owner BM and LJ Arnold Family Trust and the Sluchniak Family Trust for proposed Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Multiple Dwellings and Two (2) Two-Storey Single Bedroom Grouped Dwellings and Associated Home Studio (Home Office), at No. 367 (Lot 273 D/P: 1237) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 24 June 2005, subject to:

- (i) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 369 (Lot 274) Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.369 (Lot 274) Fitzgerald Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street and Raglan Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) prior to the first occupation of the development, one (1) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (vii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (viii) *doors and windows and adjacent floor areas fronting Fitzgerald Street and Raglan Road shall maintain an active and interactive relationship with the streets, and the car parking garages adjacent to the Raglan Road frontage shall be visually permeable for a minimum of 50 per cent permeability when view from the street in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (ix) *prior to the first occupation of the development, a minimum of six (6) car parking spaces shall be provided for the residential component of the development, and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,100) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *a detailed landscaping plan, including a list of plant, the replacement of the on-site Jacaranda tree as recommended by Charles Aldous-Ball Aboriculturist Report dated 14 July 2004 and the landscaping and reticulation of the Fitzgerald Street and Raglan Road verges shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";

- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the continuous and complementary awnings being provided over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;

- (xv) *the maximum floor space for the office use shall be limited to 272 square metres of gross floor area, unless adequate car parking is provided for the changes in floor area use or floor space area;*

- (xvi) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Fitzgerald Street Other Regional Roads reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (xvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window(s) to unit 1 on the first floor level, on the western elevation, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window(s) not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (xviii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (xix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Fitzgerald Street, Raglan Road and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (xx) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings with home offices that:*

'the home office component of the dwelling cannot be used for habitable purposes (such as a bedroom)'; and

(xxi) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours.*

Moved Cr Messina, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ix) be amended to read as follows:

“(ix) prior to the first occupation of the development, a minimum of six (6) car parking spaces shall be provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents, each unit will be provided with at least one (1) carbay, and shall not be in tandem arrangement unless they service the same residential unit/dwelling;”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

That clause (xxi) be amended to read as follows:

“(xxi) on-site parking for the non-residential component shall be available and accessible for the occupiers of the residential component outside normal business hours.”

AMENDMENT CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bruce Arnold Architects on behalf of the owner BM and LJ Arnold Family Trust and the Sluchniak Family Trust for proposed Two-Storey Mixed Use Development Comprising Two (2) Offices, Four (4) Single Bedroom Multiple Dwellings and Two (2) Two-Storey Single Bedroom Grouped Dwellings and Associated Home Studio (Home Office), at No. 367 (Lot 273 D/P: 1237) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on plans stamp-dated 24 June 2005, subject to:

- (i) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) *subject to first obtaining the consent of the owners of No. 369 (Lot 274) Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.369 (Lot 274) Fitzgerald Street in a good and clean condition;*
- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street and Raglan Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (viii) *doors and windows and adjacent floor areas fronting Fitzgerald Street and Raglan Road shall maintain an active and interactive relationship with the streets, and the car parking garages adjacent to the Raglan Road frontage shall be visually permeable for a minimum of 50 per cent permeability when view from the street in accordance with the Town's Policy regarding Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*
- (ix) *prior to the first occupation of the development, a minimum of six (6) car parking spaces shall be provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents, each unit will be provided with at least one (1) carbay, and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (x) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,100) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *a detailed landscaping plan, including a list of plant, the replacement of the on-site Jacaranda tree as recommended by Charles Aldous-Ball Aboriculturist Report dated 14 July 2004 and the landscaping and reticulation of the Fitzgerald Street and Raglan Road verges shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the continuous and complementary awnings being provided over the future Fitzgerald Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Street, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the future kerb line of Fitzgerald Street.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xv) *the maximum floor space for the office use shall be limited to 272 square metres of gross floor area, unless adequate car parking is provided for the changes in floor area use or floor space area;*
- (xvi) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Fitzgerald Street Other Regional Roads reserve is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the kitchen window(s) to unit 1 on the first floor level, on the western elevation, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject window(s) not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (xviii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Fitzgerald Street, Raglan Road and the rear right of way, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xx) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings with home offices that:*
- 'the home office component of the dwelling cannot be used for habitable purposes (such as a bedroom)'; and*
- (xxi) *on-site parking for the non-residential component shall be available and accessible for the occupiers of the residential component outside normal business hours.*

Landowner:	BM and LJ Arnold Family Trust & The Sluchniak Family Trust
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Roads Reservation Town Planning Scheme No.1: Commercial and Other Regional Roads Reservation
Existing Land Use:	Single house
Use Class:	Office Building, (Single Bedroom) Multiple Dwelling and Grouped Dwelling and associated Home Studio (Home Office)
Use Classification:	"P", "AA" and "AA"
Lot Area:	693 square metres
Access to Right of Way	Western side, 4 metres wide, sealed and privately owned

BACKGROUND:

- 9 November 2004: At its Ordinary Meeting, Council conditionally approved the demolition of the existing house on the above site, but refused the construction of a two-storey mixed use development comprising two (2) offices, four (4) single bedroom dwellings, and two (2) two-storey single bedroom dwellings with associated home studio (home office).
- 7 December 2004: At its Ordinary Meeting, Council conditionally approved a two-storey mixed use development comprising two (2) offices, four (4) single bedroom dwellings, and two (2) two-storey single bedroom dwellings with associated home studio (home office), at No(s). 367 (Lot(s) 273) Fitzgerald Street, corner Raglan Road, North Perth.

DETAILS:

The current application is for the reconsideration of condition (ix) imposed by the Council at its Ordinary Meeting held on 7 December 2004 , which is as follows, and the replacement of colourbond fencing with twin side limestone fencing panels, along the northern common boundary.

"(ix) prior to the first occupation of the development, a total of six (6) car parking spaces provided for the residential component of the development, inclusive of one (1) visitor car parking bay, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;"

The applicant has advised that under the R Codes, there is no need for the provision of visitor's bays for the residential component.

The applicant has further advised that the Fire Engineering Report has indicated that the fire rating between the subject site and the abutting property to the north cannot be achieved with a colourbond fence as shown on the previous plans approved by the Council. The Fire Engineering Report states that twin side panel fencing can be installed in lieu of masonry along the affected common northern boundary. Due to the above, the twin side limestone retaining which is positioned below the colourbond fence has been extended to 1.8 metres in height, above the retained ground to achieve the required fire rating. The panels will be limestone fencing panels, will have a feature texture on both sides of the panel for purposes of appearance and lack of maintenances purposes.

ASSESSMENT:

Non-Compliant Requirements	
Matters	The "non-compliant" matters relating to the subject development was addressed in Item 10.1.11 to the Ordinary Meeting of Council held on 7 December 2004. The subject car parking and fencing is addressed in the "Comments" section.
Consultation/Submissions	
Consultation	The proposal was previously advertised and one objection was received. The current application for reconsideration does not involve further variations. On the above basis, the current application has not been advertised.
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

COMMENTS:

Commercial Car Parking

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 December 2004, in terms of commercial car parking which remains unchanged.

<i>Requirements</i>	<i>Required No. of Car Bays</i>
<i>Office: 1 car bay per 50 square metres gross floor area (proposed 272 square metres).</i>	<i>5.44 car bays</i>
<i>Total car parking required before adjustment factor (nearest whole number)</i>	<i>5 car bays</i>
<i>Apply the parking adjustment factors.</i>	
<ul style="list-style-type: none"> ▪ <i>0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i> 	<i>(0.68)</i> <i>3.4 car bays</i>
<i>Car parking provided on-site for commercial component</i>	<i>6 car bays</i>
<i>Resultant surplus</i>	<i>2.6 car bays</i>

Residential Car Parking

Car parking requirements for the residential component of the development have been re-calculated using the requirement for grouped and multiple dwellings from the Residential Design Codes (R Codes).

The car parking required is as follows:

- 2 single bedroom grouped dwellings with studios require 2x 1 car bay each=2 car bays (4 car bays provided).
- 4 single bedroom multiple dwellings require 4x1 car bay each=4 car bays (4 car bays provided).
- Visitor bays are only required for the single bedroom grouped dwellings where there is excess of 4 dwellings being served by a common access, which is not applicable in this instance. Moreover, visitor bays for single bedroom multiple dwellings are only required if more than 4 dwellings are proposed.

A total of 14 car bays have been provided for the entire development. A total of 8 of the 14 car bays are proposed for the residential dwellings, therefore resulting in 6 car bays available for the commercial component. The existing commercial car bays can be further utilised after hours as car bays for the residential component. An additional condition (xxi) has been imposed to allow for the after hours use of the commercial car bays by the residential component.

On the above basis, previous clause/condition (ix) has been amended as stated in proposed clause/condition (ix) of the Officer Recommendation to delete reference to the provision of visitor car bays being provided on-site for the residential component of the above proposal.

Fencing

The proposed twin side limestone panels comply with the Town's Fencing Local Laws and are supported on the above basis. Any other matter relating to the proposed fencing are civil matters dealt under the Dividing Fences Act.

The deletion of the former visitor car parking requirement for the residential component and the fencing is supported on the above basis.

10.1.5 Nos. 228-232 (Lot 88 D/P: 38153), Carr Place, Leederville - Proposed Change of Use from Shop to Eating House and Associated Alterations - Reconsideration of Condition

Ward:	South	Date:	18 July 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO1308; 5.2005.2721.2
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Kimber on behalf of the owner M Grinceru for proposed Change of Use from Shop to Eating House and Associated Alterations, at Nos. 228-232 (Lot 88 D/P: 38153) Carr Place, Leederville, and as shown on plans stamp-dated 28 June 2005, subject to:

- (i) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) *the floor areas shall be limited to;*
 - (a) *197 square metres of public floor area for the eating house component; and*
 - (b) *1000 square metres of gross floor area for the office component;*

Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;
- (iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$8,625 for the equivalent value of 3.45 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) *prior to the first occupation of the development, seven (7) class 1 or 2 and five (5) class 3) bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (v) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) *doors and windows and adjacent floor areas fronting Carr Street shall maintain an active and interactive relationship with this street; and*
- (vii) *the subject premises, including the 'Bar Area', shall be used solely as an eating house, meaning it is used primarily for the purpose of serving meals to the public for gain or reward but does not include a fast food outlet. The 'Bar Area' shall not be used exclusively for the sale and/or consumption of beverages.*

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That clauses (ii) and (iii) be amended to read as follows:

“(ii) *the floor areas shall be limited to;*

(a) *~~197~~ 220.5 square metres of public floor area for the eating house component;
and*

(b) *1000 square metres of gross floor area for the office component;*

*Any increase in floor space or change of use for the subject land shall require
Planning Approval to be applied to and obtained from the Town;*

(iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$8,625~~ \$14,800 for the equivalent value of ~~3.45~~ 5.92 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's ~~2005/2006~~ 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;”*

AMENDMENT CARRIED (5-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	Cr Torre
Cr Doran-Wu	
Cr Maier	
Cr Messina	

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Kimber on behalf of the owner M Grincerì for proposed Change of Use from Shop to Eating House and Associated Alterations, at Nos. 228-232 (Lot 88 D/P: 38153) Carr Place, Leederville, and as shown on plans stamp-dated 28 June 2005, subject to:

(i) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (ii) *the floor areas shall be limited to;*
- (a) *220.5 square metres of public floor area for the eating house component; and*
 - (b) *1000 square metres of gross floor area for the office component;*
- Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$14,800 for the equivalent value of 5.92 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) *prior to the first occupation of the development, seven (7) class 1 or 2 and five (5) class 3) bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (v) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) *doors and windows and adjacent floor areas fronting Carr Street shall maintain an active and interactive relationship with this street; and*
- (vii) *the subject premises, including the 'Bar Area', shall be used solely as an eating house, meaning it is used primarily for the purpose of serving meals to the public for gain or reward but does not include a fast food outlet. The 'Bar Area' shall not be used exclusively for the sale and/or consumption of beverages.*

Landowner:	M Grincerì
Applicant:	M Kimber
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Vacant
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	1069 square metres
Access to Right of Way	North side, 4 metres wide, sealed, dedicated road

BACKGROUND:

- 26 August 2003 Council at its Ordinary Meeting conditionally approved three storey mixed use development comprising one (1) eating house, two (2) shops, two floors of offices and associated car parking.
- 22 March 2005 Council at its Ordinary Meeting granted conditional approval for the deletion of condition (v) of the previous conditional approval relating to percent for art scheme, for approved mixed use development.
- 26 April 2005 Council at its Ordinary Meeting granted conditional approval for a change of use from shop to eating house and associated alterations.

DETAILS:

The application involves the reconsideration of condition (iii) of the conditional approval granted by the Council at its Ordinary Meeting held on 26 April 2005 for change of use from shop to eating house and associated alterations at the subject property.

Condition (iii) of the subject approval states as follows:

"(iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$14 800 for the equivalent value of 5.92 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements."

Amended plans stamp dated 28 June 2005, demonstrate that the public area of the proposed eating house has been reduced from 220.5 square metres to 197 square metres therefore reducing the amount of cash-in-lieu required. This has been addressed in the Officer Recommendation.

The previously approved application for the change of use from shop to eating house and associated alterations at the subject property was received by the Town prior to the adoption of the Town's new Policy in regards to Parking and Access - provisions for cash-in-lieu of car parking; therefore in this instance, the cash-in-lieu contribution should be calculated in accordance with the previous Policy at \$2,500 per car bay.

The applicant's submission is "Laid on the Table".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number)			
-Proposed Eating House: 1 car bay per 4.5 square metres of public area (proposed 197 square metres).			44 car bays
-Office: 1 car bay per 50 square metres of gross floor area (proposed 1000 square metres).			20 car bays
Total			64 car bays

Apply the adjustment factors	(0.494)
<ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.90 (within a District Centre zone) ▪ 0.95 (parking facilities for bicycle users) 	31.62 car bays
Minus car parking on-site	23
Minus the most recently approved on-site parking shortfall	5.17 car bays
Resultant shortfall	3.45 car bays

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposal is supported as it is considered not to unduly impact the amenity of the adjacent or surrounding properties. There is a 3.45 car bays shortfall and, therefore, it is recommended that the applicant/owner pay a cash-in-lieu contribution of \$8,625.

In light of the above, approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.8 No. 72 (Lot 177) Matlock Street, Mount Hawthorn - Proposed Two Storey Garage, Workshop and Ancillary Accommodation to Existing Single House

Ward:	North	Date:	18 July 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3186; 5.2005.2853.1
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RAD Architecture on behalf of the owner P T Young for proposed Two Storey Garage, Workshop and Ancillary Accommodation to Existing Single House, at No. 72 (Lot 177) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) *subject to first obtaining the consent of the owners of No. 74 Matlock Street, Mount Hawthorn for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 74 Matlock Street, Mount Hawthorn in a good and clean condition;*
- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *the structure shall not be used for industrial or commercial purposes; and*
- (vi) *prior to the issue of a Building Licence, the owner shall provide the Town with a Statutory Declaration, signed by all owners of the property, and by the person or persons for whom the ancillary accommodation structure is to be constructed, stating that the ancillary accommodation structure is for use by that person or persons and will be used for no other purposes or by other persons.*

The subject declaration is subject to annual renewal.

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Doran-Wu

That clause (vi) be amended to read as follows:

"(vi) the ancillary accommodation structure is for use by only members of the family of the occupier of the main dwelling, and is not to be used for any other purpose or by any other persons; ~~prior to the issue of a Building Licence, the owner shall provide the Town with a Statutory Declaration, signed by all owners of the property, and by the person or persons for whom the ancillary accommodation structure is to be constructed, stating that the ancillary accommodation structure is for use by that person or persons and will be used for no other purposes or by other persons.~~

~~The subject declaration is subject to annual renewal.~~"

Debate ensued.

AMENDMENT CARRIED (4-3)

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Mayor Catania
Cr Lake	Cr Chester
Cr Maier	Cr Messina
Cr Torre	

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Moved Cr Chester, Seconded Cr Lake

That a new clause (vii) be added as follows:

"(vii) the applicant/owner shall ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, at all times. An Acoustic Report which shall be submitted to and approved to the absolute satisfaction of the Town before the granting of a Building Licence, which identifies suitable sound attenuation measures, that when implemented will prevent the emission of unreasonable noise from the premises. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' expense."

AMENDMENT CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

MOTION AS AMENDED CARRIED (5-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Messina
Cr Lake	
Cr Maier	
Cr Torre	

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RAD Architecture on behalf of the owner P T Young for proposed Two Storey Garage, Workshop and Ancillary Accommodation to Existing Single House, at No. 72 (Lot 177) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) *subject to first obtaining the consent of the owners of No. 74 Matlock Street, Mount Hawthorn for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 74 Matlock Street, Mount Hawthorn in a good and clean condition;*
- (iv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) *the structure shall not be used for industrial or commercial purposes; and*
- (vi) *the ancillary accommodation structure is for use by only members of the family of the occupier of the main dwelling, and is not to be used for any other purpose or by any other persons; and*
- (vii) *the applicant/owner shall ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, at all times. An Acoustic Report which shall be submitted to and approved to the absolute satisfaction of the Town before the granting of a Building Licence, which identifies suitable sound attenuation measures, that when implemented will prevent the emission of unreasonable noise from the premises. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' expense.*

Landowner:	P T Young
Applicant:	RAD Architecture
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	470 square metres
Access to Right of Way	12.17 metres side, 6.5 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two-storey building with garage and ancillary workshop, ante-room and toilet on the ground floor and ancillary accommodation on the first floor, at the rear of the existing dwelling. Vehicular access to the garage is proposed from the rear right of way. The proposed ancillary accommodation consists of an open plan room with a kitchenette and bathroom. The proposed garage and ancillary accommodation is connected to the existing main dwelling by an existing patio.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Residential Design Codes			
Density	1 dwelling R30	1 dwelling R21	Noted.
Plot Ratio	N/A	N/A	Noted.
Setbacks - Ground Floor North boundary	1.0 metre	Nil.	Supported - no undue impact on affected adjacent property.
Town's Policies			
Total area of ancillary accommodation including connecting structure	35 square metres max	99 square metres, (34 square metres of ancillary accommodation floor area, 65 square metres of existing patio)	Supported - the connecting structure is existing and also provides covered outdoor living area for residents.
Access between the garage and ancillary accommodation	Not permitted	Access to garage from ancillary accommodation possible through 'ante-room'.	Supported - ante-room considered to provide adequate separation to discourage garage being used for habitable purposes.

Consultation Submissions		
Support	Nil.	Noted.
Objection	Nil.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

In light of no objections being received by the Town and the variation being addressed as above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 106 (Lot 5) Richmond Street, Leederville - Proposed Loft Additions to Existing Two Grouped Dwellings

Ward:	South	Date:	18 July 2005
Precinct:	Leederville, P3	File Ref:	PRO1318; 00/33/2898
Attachments:	001		
Reporting Officer(s):	J Meggitt, T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by LTW Smith on behalf of the owner LTW Smith and C Coufos for proposed Loft Additions to Existing Two Grouped Dwellings, at No. 106 (Lot 5) Richmond Street, Leederville, and as shown on plans stamp-dated 1 June 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Richmond Street and Ragen Alley shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) the subject loft additions shall not be used for sleeping or habitable purposes.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (0-7)

Reasons:

- 1. Intensification of development on the site by extra floor area.**
- 2. Excessive bulk and scale.**
- 3. Excessive plot ratio.**
- 4. Council's previous decision to limit the bulk, scale and plot ratio of the development.**
- 5. Consideration of objections received.**

ADDITIONAL INFORMATION:

Site Inspection

A site inspection of the subject property was undertaken by the Town's Officers on 16 June 2005 and 25 July 2005, which indicates that the proposed lofts do not exist. This is determined from the outside appearance, namely the length of the light hanging from the ceiling. No internal site inspection has been carried out.

Previous Planning Approval

The Town's Officers confirm that condition (x)(b) of the Planning Approval granted by the Council on 27 March 2001 was complied with prior to issue of the Building Licence.

Plot Ratio

The existing plot ratio is 0.75 (245.6 square metres).

Neighbours

The Town's Officers have provided a response in writing to the neighbour, addressing the concerns relating to the previous Planning Approval.

Landowner:	LTW Smith and C Coufos
Applicant:	LTW Smith
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	329 square metres
Access to Right of Way	East side: Haley Ave., 10 metres wide, sealed, public road. North side: Ragen Alley, 10 metres wide, unsealed, privately owned.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 approved the application for two, three storey grouped dwellings that exist on the site. It is noted that condition (ix) of the approval stated:

"prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:

- (a) *a plot ratio no greater than 0.75; and*
- (b) *the deletion of the third storey/loft, including associated walls;"*

DETAILS:

The proposal involves the incorporation of a loft within each of the existing upper level roof areas of the two dwellings. The lofts overlook the laneway and the rear of commercial buildings to the east of the subject site.

The applicant's submission is *"Laid on the Table"*.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 214 square metres	0.98 - 324 square metres	Supported - the Town's Officer consider that the additional floorspace will not increase the bulk of the building or unduly affect the amenity of neighbours.
Setback: Loft windows	4.0 metres	2.7 metres	Supported - Overlooks laneway and rear of commercial properties.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Loss of privacy, sunlight and quality of life. 		Not supported - the Town's Officer consider that the additional floorspace will not increase the bulk of the building or unduly affect the amenity of neighbours. The lofts will not be used for habitable purposes.
	<ul style="list-style-type: none"> General complaint with the Town's use of its discretion in approving the previous Planning Application at the subject site. 		Noted - The Town's Officers will address the concerns expressed by the objector in due course by written correspondence.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposal was advertised for 14 days and one submission, as detailed in the Assessment Table above, was received during this period.

It is considered that the setback and plot ratio variations can be supported as they will result in no increase in bulk of the building, and as they will not unduly affect the amenity of neighbours or the locality generally.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to reflect the above.

10.1.11 No. 56 (Lot 96 D/P: 3784(2)) Redfern Street, corner Hunter Street, North Perth - Proposed Two-Storey Single House to Existing Single House

Ward:	North	Date:	19 July 2005
Precinct:	North Perth; P8	File Ref:	PRO2019; 5.2005.2909.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners J & J A Leonard for proposed Two-Storey Single House to Existing Single House, at No. 56 (Lot 96 D/P: 3784(2)) Redfern Street, corner Hunter Street, North Perth, and as shown on plans stamp-dated 10 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 54 Redfern Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 54 Redfern Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hunter Street and Redfern Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hunter Street and Redfern Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 3 on the northern elevation and to bedroom 1 on the southern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being set behind the line of the front main building wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

That a new clause (vii) be added as follows:

- "(vii) prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owners(s)."*

Debate ensued.

AMENDMENT CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Torre
Cr Chester	
Cr Doran-Wu	
Cr Lake	
Cr Maier	
Cr Messina	

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners J & J A Leonard for proposed Two-Storey Single House to Existing Single House, at No. 56 (Lot 96 D/P: 3784(2)) Redfern Street, corner Hunter Street, North Perth, and as shown on plans stamp-dated 10 June 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (ii) *subject to first obtaining the consent of the owners of No. 54 Redfern Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 54 Redfern Street in a good and clean condition;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hunter Street and Redfern Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hunter Street and Redfern Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 3 on the northern elevation and to bedroom 1 on the southern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage being set behind the line of the front main building wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (vii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owners(s).*

Landowner:	J & J A Leonard
Applicant:	J & JA Leonard
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	556 square metres
Access to Right of Way	N/A

BACKGROUND:

28 May 2002 Council at its Ordinary Meeting resolved to conditionally approve an additional two storey grouped dwelling to existing single dwelling.

12 June 2002 Western Australian Planning Commission granted conditional approval for the survey strata subdivision of the rear of the property.

DETAILS:

The proposal involves the development of an additional two storey dwelling to the rear of an existing single house. The existing house is fronting onto Redfern Street and the proposed dwelling has frontage onto Hunter Street.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R30: 1 dwelling R40: 2 dwellings (assessed as R40, existing dwelling retained)	2 dwellings R 40	Supported - existing dwelling, which is considered worthy of retention, is retained.
Plot Ratio	N/A	N/A	N/A
Setbacks: East - rear to ground floor	1.5 metres	1.28 metres	Supported - minor variation and no undue impact on affected property.
- store	1.0 metre	0.3 metre	Supported - compliant with Building on Boundary provision under the Residential Design Codes.
West/Hunter Street - 1st floor	6.0 metres	2.5 - 5 metres	Supported - behind building line of existing house (1 metre) and as previously approved by Council.
Privacy: - Balcony	Setback 7.5 metres, or be screened up to 1.6 metres above finished floor level.	Cone of vision setback to southern boundary (existing dwelling) is 6 metres.	Supported - applicant is owner of existing southern dwelling and overlooking is minimal with no undue impact on adjoining property.

- Bedroom 1 and 3	Setback 4.5 metres, or be screened up to 1.6 metres above finished floor level.	Sill height 1.543 metres. Bed 1 setback 1.3 metres from southern boundary. Bed 3 setback 1.39 metres from northern boundary.	Not supported - conditioned in Officer Recommendation.
Building Height	6 metres	6.2 metres	Supported - applicant is owner of affected property - no undue impact on affected property or streetscape as building height is staggered to minimise effect of sloping natural ground level.
Garage to be Behind Main Building Line	Garage setback at 6 metres from the frontage street, or behind the line of the front main building wall.	In line with the front main building wall.	Not supported - conditioned in Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.
* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The proposal is the same design and scale as the previous application submitted and approved by the Council on 28 May 2002. Development had not substantially commenced within the two year time period given for the previous Planning Approval, therefore a fresh approval is being applied for. Furthermore, clearance for the survey strata subdivision was not sort within three years of the date of issue; the applicant has advised that another survey strata application will be submitted to the Western Australian Planning Commission for approval.

The application was advertised and no written submissions were received during this period.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

A member of the public, who had missed public question time, requested that he be permitted to speak on this Item.

The Presiding Member advised that he would accept this request and that Standing Orders would need to be suspended to allow the member of the public to speak.

At 7.34pm Moved Cr Torre, Seconded Cr Maier

That Standing Orders be suspended in order to allow a member of the public to speak on this Item.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

Mr Frank Casot from Western Power of 363 Wellington Street, Perth – Requested approval for the house to be demolished without any redevelopment application as the site in bad repair and there are problems with squatters and neighbours on a weekly basis.

At 7.36pm Moved Cr Maier, Seconded Cr Messina

That Standing Orders be resumed.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Ker was absent until 7.43pm.)

10.1.13 No. 28 (Lot Y380 D/P: 2001) Joel Terrace, East Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	18 July 2005
Precinct:	Banks; P15	File Ref:	PRO3105; 5.2005.3042.1
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by R Teh on behalf of the owner Western Power Corporation for proposed Demolition of Existing Single House, at No. 28 (Lot Y380 D/P: 2001) Joel Terrace, East Perth, and as shown on plans stamp-dated 30 June 2005, subject to:

- (i) a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the commencement of demolition works;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the commencement of demolition works;*

- (iii) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.37pm.

Debate ensued.

Cr Torre returned to the Chamber at 7.40pm.

Cr Ker entered the meeting at 7.43pm.

Moved Cr Maier, Seconded Cr Messina

That the existing recommendation be renumbered to clause (i)(a) – (e) and a new clause (ii) be added as follows:

“(ii) the Council ADVISES the Western Power Corporation that the property, in the short term, is to be made secure.”

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Debate ensued.

MOTION AS AMENDED LOST (1-7)

For

Cr Torre

Against

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Maier

Cr Messina

(Cr Farrell was an apology.)

Reasons:

1. The zoning of the area is residential.
2. Concerned about the future uses and require a full proposal for the site.

SUBSEQUENT MOTION

Moved Cr Chester, Seconded Cr Torre

That the Council ADVISES the Western Power Corporation that the property at No. 28 (Lot Y380 D/P: 2001) Joel Terrace, East Perth is to be made secure as soon as practicable to the satisfaction of the Town.

CARRIED (8-0)

(Cr Farrell was an apology.)

Landowner:	Western Power Corporation
Applicant:	R Teh
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant house
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1427 square metres

BACKGROUND:

- Western Power purchased the property in March 2005.
- The proposed demolition is considered to be public works, and therefore does not require a Demolition Licence or Planning Approval under the Local Government (Miscellaneous Provisions) Act 1960 and the Town Planning and Development Act 1928 and the Town's Town Planning Scheme No. 1 respectively.
- Planning Approval is required from the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS).
- There are no significant trees on this property.

DETAILS:

The proposal involves demolition of existing single vacant house.

ASSESSMENT:

Consultation Submissions	
No advertising was required for this application	
Other Implications	
Legal/Policy	Metropolitan Region Scheme.
Strategic Implications	Nil
Financial/Budget Implications	Nil

COMMENTS:

A floor plan and photographs are shown as an attachment to this report. A preliminary heritage assessment found the place has no cultural heritage significance. A full heritage assessment is not required in this instance.

The subject dwelling is a brick, tuck pointed to the facade, with a central entrance door, flanked either side by single sash windows. A verandah stretches the length of the front of the dwelling, and has been enclosed to both sides to create two sleep-out rooms with louvred windows. The rear is extended with faux brick sheet cladding. A more modern brick addition to the lower eastern side of the house has been built with a flat roofed, uncovered patio.

Metropolitan sewerage plans revised in 1949 show the dwelling as a square-shaped design, with front verandah, small rear asbestos extension to the rear with a wide set of steps leading eastwards. A shed is shown at the very eastern end of the lot near the river. Building Licence archives show two licences issued for the subject lot, first in 1926 to W. Molan and second to the same person for a carport in 1974. In considering the architecture of the dwelling and documentary records available, it is likely that the first licence issued in 1926 was for the construction of the subject dwelling.

The building is considered to represent a period of in-fill development during the Inter-war years, as most lots along Joel Terrace were developed in the early 1900s. However, it is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory and as such the proposed demolition is considered acceptable. It is therefore recommended that the Council recommend conditional approval to the WAPC for the proposed demolition of the place.

10.1.14 No. 31 (Lot 169) Eton Street, North Perth - Proposed Demolition of Existing Outbuilding and Construction of an Additional Grouped Dwelling to Existing Dwelling

Ward:	North	Date:	19 July 2005
Precinct:	North Perth; P8	File Ref:	PRO3209; 5.2005.2895.1
Attachments:	001		
Reporting Officer(s):	V Lee, L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by F Almassi on behalf of the owners F Almassi & B Charehjoos for proposed Demolition of Existing Outbuilding and Construction of an Additional Grouped Dwelling to Existing Dwelling at No. 31 (Lot 169) Eton Street, North Perth and as shown on plans stamp-dated 1 June 2005(perspectives) and 14 July 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 33 Eton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 33 Eton Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Eton Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Eton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the actual (not approximate as indicated on the plans) minimum open space being 50 per cent of the site area; and*

(b) *landscaping being provided along the verge strip between the two crossovers.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and

- (vii) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.50pm.

Cr Messina returned to the Chamber at 7.51pm.

LOST (0-8)

(Cr Farrell was an apology.)

Reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.
2. The proposed subdivision does not comply with the requirements of either grouped dwelling or battleaxe subdivision.
3. The common property has no purpose for the front dwelling.
4. The driveways are not compliant with the R Codes.

ADDITIONAL INFORMATION:

Seeking clarification from Western Australian Planning Commission (WAPC)

As a result of the consideration of a similar development at No. 81 Auckland Street, North Perth, the Town will be writing to the WAPC regarding the following issues:

- seeking clarification on their interpretation of '*common property*';
- the criteria used to determine what constitutes as '*common property*'; and
- the differentiation between a battle-axe lot subdivision and survey-strata subdivision in a '*battle-axe*' configuration and the requirements of each subdivision type.

Driveway/Crossover

In relation to the existing dwelling, there is inadequate manoeuvring space for vehicular access to two car parking spaces from the existing driveway. Hence, the proposed crossover is supported on the basis that it is required to provide vehicular access to the existing house. It has been conditioned in the Officer Recommendation that revised plans be submitted demonstrating landscaping between the two crossovers to minimise the visual impact on the streetscape.

Type of Subdivision and Common Property

In accordance with the R-Codes:

- (a) a battleaxe lot or site is defined as a " *Single House lot or site that has a frontage to a public road only through a pedestrian or vehicular accessway that is part of the lot, but the term excludes a lot that has vehicle access from a private or communal street or right-of-way connected to a to public road*";
- (b) a single house is defined as " *a dwelling standing wholly on its own green title or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property*"; and
- (c) a grouped dwelling is defined as " *a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property*".

The R-Codes do not define 'common property' and do not limit its application to shared vehicular access ways. It is considered that common property is land that can be accessible and used by the various survey strata lots on the parent property.

The subject subdivision was conditionally approved by the WAPC as a survey-strata subdivision, with the driveway abutting the existing house being allocated as common property.

In light of the above and the Town's current interpretation of the relevant R Codes requirements, as the subject subdivision incorporates common property, the proposed sites/lots are regarded as grouped dwelling sites/lots and not single house sites/lots, therefore, the area of the proposed sites/lots are required to comply with the grouped dwelling requirements, not battle-axe lots land area requirements.

A copy of the WAPC's subdivision approval of the subject lot is attached for the Council's consideration.

Landowner:	F Almassi & B Charehjoo
Applicant:	F Almassi
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	675 square metres
Access to Right of Way	N/A

BACKGROUND:

- 27 February 2003 The Town under delegated authority from the Council recommended approval to the Western Australian Planning Commission (WAPC) for the proposed survey strata subdivision of the subject property.
- 2 April 2003 WAPC resolved to conditionally approve the application for the subdivision of the subject property.
- 7 October 2003 Amendment No. 10 - the rezoning of land within the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20 was gazetted.

DETAILS:

The proposal involves demolition of existing outbuilding and construction of an additional grouped dwelling to existing dwelling at the subject property. The subject property is in the Eton Locality and accordingly, is being referred to Council for determination. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 20	2 dwellings R 29.6 48 per cent density bonus	Supported- subdivision of lots was conditionally approved by the Western Australian Planning Commission prior to the rezoning of the Eton Locality from Residential R30 and Residential R30/R40 to Residential R20.
Plot Ratio	N/A	N/A	N/A
Setbacks -North	1.5 metres	Nil – 1.5 metres	Supported- minor variation, no undue impact on neighbours, no objections received by affected neighbour and portion of wall on boundary is compliant with Clause 3.2.2- Buildings on Boundary of the R Codes.
Driveway Width	Driveways not to occupy more than 40 percent of the frontage of a property	58.7 per cent	Supported- new crossover required to provide vehicular access to existing house. Furthermore, has been conditioned that revised plans be submitted demonstrating landscaping between the two crossovers to minimise the visual impact on the streetscape.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

In light of the above, the planning application is generally considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.15 No. 6 (Lot 31) Anzac Road, Corner Loftus Street, North Perth - Proposed Demolition of Existing Carport and Patio and Construction of Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	19 July 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO0730 5.2004.2362.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Merenda on behalf of the owner G and E R Merenda for Proposed Demolition of Existing Carport and Patio and Construction of Additional Two-Storey Single House to Existing Single House, at No. 6 (Lot 31) Anzac Road, corner Loftus Street, North Perth, and as shown on plans stamp-dated 19 July 2004 (Existing Site Plan), amended plans stamp-dated 14 September 2004 (Floor Plan, Survey Plan and Elevations) and plans stamp-dated 16 June 2005 (Proposed Site Plan), subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners No. 2 Anzac Road and No. 250 Loftus Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 2 Anzac Road and No. 250 Loftus Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Loftus Street and Anzac Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion any new front fences and gates adjacent to Loftus Street may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that:*
- (a) *the east side of the balcony on the upper floor being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (b) *the second storey boundary wall on the western elevation and the second storey wall to bedroom 1 on the eastern elevation each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, agreeing that any future development on Lots 850 and 851 Anzac Road shall have a maximum plot ratio of 0.65 (260 square metres) over the whole of Lots 850 and 851. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

LOST (2-6)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Torre	Cr Doran-Wu
	Cr Ker
	Cr Lake
	Cr Maier
	Cr Messina

(Cr Farrell was an apology.)

Reasons:

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
- 2. The non-compliance with the plot ratio, setbacks, buildings on boundary, privacy setback and vehicular access requirements of the Residential Design Codes, and the Town's Policies relating to Parking and Access and the Coronation Locality Plan, respectively.**

ADDITIONAL INFORMATION:

Technical Services

Australian Standard AS/NZS 2890.1:2004 states the following with regard to crossover locations.

To keep conflicts between frontage road traffic and car park traffic to an acceptable minimum at unsignalled intersections of local streets with each other or with an arterial road, access driveways shall not be located within 6.0 metres of the kerb tangent point. This shall not apply to any access driveway serving a property which would otherwise be denied access due to the physical impossibility of meeting the requirement.

In the case of this proposed development, the only feasible point of access to the proposed front lot is off Anzac Road given the geometry of Loftus Street and the existing 3.5 metres road widening.

The proposed crossover off Anzac Road does not strictly comply with the 6.0 metres distance requirement however, the following factors were considered when determining the matter:

- Anzac Road at Loftus Street is 'left in left out'
- The crossover would be restricted to 'left in left out' only given the existing island.

Given these existing constraints, the potential conflict points have been markedly reduced and the reduced set back for the crossover location, albeit reluctantly, was supported by the Town's Officers.

It is considered the Telstra pillar will not compromise visibility.

However, in the longer term, should the 3.5 metres road widening be required, the internal manoeuvring as shown on the plan will not be possible.

The future 3.5 metres road widening requirement on the subject lot is unlikely to be required should the intersection of Scarborough Beach Road and London/Loftus Streets be realigned in the future. The land on the south-west corner of Loftus Street/Scarborough Beach Road is owned by the Department for Planning and Infrastructure and the current tenant has a short term lease. The attached sketch plan outlines a possible future realignment.

Should a widening on the subject lot be taken, the only possible change to the carriageway at that location would be to increase the width of the existing central median island from 1.5 metres to 2.0 metres, which would increase the carriageway width by 0.5 metre to 1.0 metre (maximum). It is therefore considered that a 1.5 metres maximum widening could be needed in the future.

The subject lot would, therefore, possibly remain largely unaffected by any future road realignment proposal.

Planning, Building and Heritage Services

The setback to the existing dwelling from the eastern boundary is nil - 1.5 metres. An area set aside for clothes drying is not confirmed on the plans.

Landowner:	G & E R Merenda
Applicant:	G Merenda
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	445 square metres
Access to Right of Way	N/A

BACKGROUND:

3 December 2002 Council, at it Ordinary Meeting, resolved to conditionally approve proposed subdivision of the subject site.

2 April 2003 The Town received correspondence from the Western Australian Planning Commission (WAPC) issuing conditioned approval for the subdivision of the subject site.

DETAILS:

The proposal involves demolition of existing carport and patio and proposed additional two-storey single house to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.47 dwellings R 60	2 dwellings R 44.94	Noted - subdivision conditionally approved by WAPC on 2 April 2003.
Plot Ratio:	Proposed Lot 850 - 0.65 - 154 square metres	Lot 850 - 0.45 - 107.5 square metres	Supported - compliant with R Codes requirements.
	Proposed Lot 851 - 0.65 - 105.3 square metres	Lot 851 - 0.84 - 140.2 square metres	Supported in part - refer to "Comments" section.

Front Setbacks: Upper Floor	6.0 metres	3 metres (balcony) and 4 metres (main building)	Supported - nature of streetscape, surrounding setbacks, its proximity to commercial land uses along Scarborough Beach Road and no undue impact on amenity of locality.
Setbacks: Ground Floor- Western (Laundry, Kitchen and Entry) Northern (Laundry)	1.5 metres 1 metre	Nil Nil	Supported - affected neighbours support received through ownership of adjoining dwelling. Supported - considered minor, no objections received and no undue impact.
Eastern (Store and Garage)	1 metre	Nil	Supported - considered minor, no objections received and no undue impact.
First Floor - Eastern (Bedroom 1 and Balcony)	1.2 metres	1.0 metre	Supported - considered minor, no objections received and no undue impact.
Western (Bedroom 2) Northern (Bedroom 2)	1.2 metres 1.6 metres	Nil 1.5 metres	Supported - affected neighbour's support received through ownership of adjoining dwelling. Supported - considered minor, no objections received and no undue impact.
Privacy Setbacks: Eastern Elevation (Balcony)	7.5 metres	2.1 metres to eastern boundary	Not supported - conditioned accordingly.

Building on Boundary: Number	To one side boundary	To two side boundaries	Supported - no objections received, nature of lot shape and depth and no undue impact.
Height and Length	Walls not higher than 3.5 metres with an average of 3 metres for 66 per cent the length of the boundary behind the front setback	Western boundary: 5.5 metres high wall for 84 per cent of the length of the boundary behind the street setback line on the upper floor and 2.9-3.0 metres high wall for 100 per cent of the length of the boundary behind the street setback line on the ground floor. Eastern boundary: 3.0 metres high wall for 79 per cent of the length of the boundary behind the street setback line on the ground floor	Supported - affected neighbour's support received through ownership of adjoining dwelling. Supported - no objections received, nature of lot shape and depth and no undue impact.
Consultation Submissions			
Support (1)	• No objection to laundry parapet wall		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

Demolition

The site is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Database and as such requires no heritage assessment to be undertaken.

Plot Ratio

The variation to the plot ratio requirement is supported on the basis that the total plot ratio for Lots 850 and 851 is 0.62 (247.7 square metres), the subject proposal is compliant with R Codes open space requirements and a site inspection by the Town's Officers indicated that it will not have an undue impact on the streetscape given its context to the bulk and scale of other developments along this section of Anzac Road. It is noted that the development at No. 2 Anzac Road, abutting the subject site's eastern boundary, is non-compliant with the R Code's open space requirement (38 per cent).

Furthermore, the Town's Officers consider recommended condition (vi) will adequately prevent future development on the subject land to get further development bonuses or variations to plot ratio over the whole of Lots 850 and 851, and therefore do not consider support of the abovementioned variation to create an undesirable precedence in the area.

Car Parking

It is noted that the applicant has provided amended plans showing amended access arrangements for the car parking for the existing dwelling. These plans are attached for the Council's consideration and determination.

Front Setback

In considering the front setback variations, the Town's Officers note that; the proposed frontage to Anzac Road is surrounded by the rear of lots that treat Anzac Road as a secondary street; the proximity of commercial land uses along Scarborough Beach Road; and it is therefore considered to have no undue impact on the streetscape.

Summary

The proposal was advertised for 14 days and no submissions were received during this period.

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.16 Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville - Proposed Two-Storey Office Addition to Existing Shop and Eating House

Ward:	South	Date:	20 July 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO1104; 5.2005.2896.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Silver Thomas Hanley on behalf of the owner Kfm Superannuation Pty Ltd for proposed Two-Storey Office Addition to Existing Shop and Eating House, at Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville, and as shown on plans stamp-dated 8 June 2005 and 20 July 2005, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$19,170 for the equivalent value of 2.21 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2005/2006 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) the maximum floor space for the uses shall be limited as follows:*
 - eating house - 205 square metres of public floor area;*
 - shops - 104 square metres of gross floor area; and*
 - office - 218 square metres of gross floor area;*

unless adequate car parking is provided for the changes in floor area use or floor space area;

- (vi) prior to the first occupation of the development, one (1) additional class 3 bicycle parking facility shall be provided at a location within close proximity to the entrance of the site. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

(vii) *doors, windows and adjacent floor areas fronting Leederville Parade and Oxford Street shall maintain an active and interactive relationship with this street; and*

(viii) *the automatic sliding gate to the car park shall be visually permeable, with a minimum 50 per cent transparency.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Journalist Mark Fletcher left the meeting at 8.05pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (iii) be amended to read as follows:

"(iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$19,170~~ \$5,525 for the equivalent value of 2.21 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's ~~2005/2006 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay.~~ Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;"

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.16

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Silver Thomas Hanley on behalf of the owner Kfm Superannuation Pty Ltd for proposed Two-Storey Office Addition to Existing Shop and Eating House, at Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville, and as shown on plans stamp-dated 8 June 2005 and 20 July 2005, subject to:

(i) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

(ii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*

- (iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,525 for the equivalent value of 2.21 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) *the maximum floor space for the uses shall be limited as follows:*
- *eating house - 205 square metres of public floor area;*
 - *shops - 104 square metres of gross floor area; and*
 - *office - 218 square metres of gross floor area;*
- unless adequate car parking is provided for the changes in floor area use or floor space area;*
- (vi) *prior to the first occupation of the development, one (1) additional class 3 bicycle parking facility shall be provided at a location within close proximity to the entrance of the site. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vii) *doors, windows and adjacent floor areas fronting Leederville Parade and Oxford Street shall maintain an active and interactive relationship with this street; and*
- (viii) *the automatic sliding gate to the car park shall be visually permeable, with a minimum 50 per cent transparency.*

ADDITIONAL INFORMATION:

The value of land has been included in the calculation for cash-in-lieu as the Council at its Ordinary Meeting held on 12 April 2005, resolved the following:

“ . . .(ii) ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council; . . . ”

The land value component has been included in the calculation as the application was received by the Town on 8 June 2005.

Furthermore, the purpose of this amendment is to more appropriately reflect the true cost of providing a car bay – should the Town require more land for car parking, it should be paid for using funds raised through the cash-in-lieu of parking provision. By only charging for the construction, the real cost of the car park, that is, the land that needs to be bought, will need to be acquired using other Town funds.

In relation to the construction component of the cash-in-lieu contribution amount, clause (iii) of the Officer Recommendation has been amended to read "\$2,600 per bay as set out in the Town's 2005/2006 Budget" as the application is being considered by the Council after the adoption of the 2005/2006 Fees and Charges.

In relation to the Leederville Parade elevation, there is limited opportunity to modify the elevation of the existing building adjacent to the pedestrian ramp without affecting the existing retail land use. The facade of the proposed additions provides greater interaction with Leederville Parade with a balcony and floor to ceiling glazing proposed to all elevations.

Landowner:	Kfm Superannuation Pty Ltd
Applicant:	Silver Thomas Hanley
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop and Eating House
Use Class:	Shop, Eating House and Office Building
Use Classification:	"P", "P" and "P"
Lot Area:	991 square metres
Access to Right of Way	N/A

BACKGROUND:

10 February 2004 Council conditionally approved the application submitted by T Kailis on behalf of Emgekay Investments Pty Ltd, for proposed alterations and additions to existing shop and eating house at Nos. 99-101 (Lot 101) Oxford Street, corner Leederville Parade, Leederville.

DETAILS:

The proposal involves a second storey addition to the existing fish shop and eating house to accommodate administrative offices, a boardroom, kitchen, store and toilets. The proposed addition is to be located over the existing car park and service yard to the rear of the property.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks rear - western side	9 metres	Nil	Supported - is not considered to create any undue effect on the adjoining property, as per existing building previously approved by Council
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted

Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car Parking		
Car parking requirement (nearest whole number) Existing retail - 1 car bay per 15 square metres gross floor area (104 square metres); Existing eating house - 1 car bay per 4.5 square metres of public floor area (205 square metres); Proposed office - 1 car bay per 50 square metres of gross floor area (218 square metres).	57 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) • 0.80 (within 400 metres of a rail station) • 0.90 (proposed development is within a District Centre) • 0.90 (proposed development provides "end of trip" facilities) 	(0.441)	25.14 car bays
Minus the car parking provided on-site	5 car bays	
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 52 car bays x 0.441 = 22.93 car bays (5 car bays provided on-site) Previously: - existing shortfall of 6.87 car bays - 11.06 car bay cash in lieu contribution paid as approved by Council on 10 February 2004	17.93 car bays	
Resultant Shortfall	2.21 car bays	
Bicycle Parking		
Requirements	Required	Provided
Shop: 1 space per 300 square metres (current floor area 104 square metres) public area for employees (class 1 or 2) 1 space per 200 square metres for visitors (class 3)	1 space 1 space	1 space Nil
Restaurant: 1 space per 100 square metres (current floor area 205 square metres) public area for employees (class 1 or 2) 2 spaces plus 1 per 100 square metres for visitors (class 3)	2 spaces 4 spaces	2 spaces 4 spaces
Office: 1 space per 200 square metres (proposed floor area 218 square metres) for employees (class 1 or 2) 1 space per 750 square metres over 1000 square metres (class 3)	1 space N/A	1 space N/A

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The site falls within the Oxford Centre Precinct which encourages commercial buildings with an active and permeable interface.

The proposed development provides a second storey addition to the existing single storey building, which accommodates the Town's Oxford Centre Policy requiring a minimum building height of two storeys. The second storey addition is located over the existing car park and service yard along Leederville Parade and significantly improves the visual appearance of the site. The building facade is more interactive with Leederville Parade with a balcony and floor to ceiling glazing proposed to the western and southern elevations.

The applicant has advised that the construction will be light weight using a structural steelwork frame, concrete slab on bondeck, steel studwork and dry lined cladding materials.

Car Parking

The existing 5 car bays on site remain however, are proposed to be covered and secured by an automatic sliding gate. The proposed office additions increase the floor area by 218 square metres, which after applying the adjustment factors and the already approved car parking shortfall, the resultant car parking shortfall is 2.21 car bays.

The applicant has advised that proposed additions are to be used by existing staff and management, therefore, it is recommended that a cash-in-lieu contribution of \$19,170 be paid as outlined in the Officer Recommendation.

Bicycle Parking

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development, in addition to the existing uses, requires the provision of four (4) class 1 or 2 and five (5) class 3 bicycle parking facilities. The applicants have provided the four (4) class 1 or 2 spaces and four (4) class 3 spaces off the service yard area, however, 5 are required to be provided. The provision of this is conditioned in the Officer Recommendation.

In light of the above, the proposal is supported, as it is considered not to cause undue impact on the amenity of the adjacent or surrounding properties nor compromise future development in the area. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.18 Nos. 76-76A (Lots 10 & 2) East Street (corner Berryman Street), Mount Hawthorn - Proposed Subdivision

Ward:	North	Date:	18 July 2005
Precinct:	Mount Hawthorn; P1	File Ref:	128199; 7.2005.255.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission (WAPC), for the application submitted by Tuscom Subdivision Consultants Pty Ltd on behalf of the owner The Boy Scouts Association (WA Section) Inc for proposed Subdivision, at Nos. 76-76A (Lots 10 & 2) East Street, corner Berryman Street, Mount Hawthorn, and as shown on plans stamp-dated 22 April 2005, subject to:

- (i) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;*
- (ii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iv) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (v) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (vi) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (vii) the street verge trees on East Street and Berryman Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (viii) vehicular access to Lot 3 (corner lot) being from Berryman Street only.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED ON THE CASTING VOTE OF THE MAYOR (5-4)

<u>For</u>	<u>Against</u>
Mayor Catania (2 votes)	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Messina	Cr Lake
Cr Torre	Cr Maier

Landowner:	The Boyscouts Association (WA Section) Inc
Applicant:	Tuscom Subdivision Consultants Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Scout Hall
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 10, 627 square metres - Lot 2, 250 square metres Total area, 877 square metres (893 square metres including truncation)
Access to Right of Way	Nil

BACKGROUND:

- 23 November 2004 The Council at its Ordinary Meeting resolved to approve the application submitted by The Boyscout Association of Australia for the demolition of existing club building (Scout Hall) at Nos 76-76a, (Lots 10 and 2) East Street, Mount Hawthorn.
- 2 December 2004 Conditional approval issued for the demolition of existing club building (Scout Hall).
- 28 June 2005 The Council at its Ordinary Meeting resolved to recommend approval to the Western Australian Planning Commission for the proposed subdivision of Nos. 76-76A (Lots 10 & 2) East Street, corner Berryman Street, Mount Hawthorn. (Proposed 3 lots with access off Berryman Street).

DETAILS:

The proposal involves an amalgamation/subdivision of the subject two lots of 627 square metres and 250 square metres into three equal sized lots as follows: proposed Lot 1, 300 square metres, Lot 2, 300 square metres, and corner Lot 3, 277 square metres (including truncation, 293 square metres) with access off East Street.

Approval was recommended to the WAPC by the Council at its Ordinary Meeting on 28 June 2005 for the proposed subdivision of the subject property into 3 lots with access of Berryman Street. The proposed corner Lot 3 was required to have access off East Street. The applicants have subsequently advised the Town that access to the proposed lots is preferable off East Street.

The application is being assessed as a variation to the average site area required under the Residential Design Codes. The Codes allow for a 5 percent reduction in area required under the R30 coding.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.92 dwellings R30	3 dwellings R 34 - excluding truncation R 33 - including truncation - 1 percent density bonus	Supported - within the 5 per cent variation permitted under the Residential Design Codes, and refer to "Comments".
Plot Ratio	N/A	N/A	N/A
Lot Area	Minimum 270 square metres and an average of 300 square metres	Lot 1 - 300 square metres Lot 2 - 300 square metres Lot 3 - 277 square metres (293 square metres including truncation)	Supported - complies with the minimum lot area, is within the 5 per cent variation permitted under the Residential Design Codes, and refer to "Comments".
Consultation Submissions			
Support	N/A		Noted
Objection	N/A		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The Residential Design Codes (R Codes) allow for consideration of a variation to the minimum lot size requirement of up to 5 per cent under the performance criteria. The Residential R30 density code requires that a minimum lot size of 270 square metres is achieved with an average of 300 square metres.

Currently, the subject property is on two existing lots with Lot 10 having an area of 627 square metres and Lot 2 having an area of 250 square metres. In its current form, the existing Lot 10 can be subdivided into 2 separate lots of over 300 square metres each which meets the minimum and average lot size permitted in the R Codes, with the existing Lot 2 remaining as 250 square metres. Considering this, the total yield for both properties is 3 dwellings.

The applicant however, seeks to produce 3 lots of equal size, with proposed areas of; Lot 1, 300 square metres, Lot 2, 300 square metres and corner Lot 3, 277 square metres (including truncation 293 square metres). Acceptable development contained within the R Codes permits up to 20 square metres of a truncation to be included in the area of the adjoining lot.

Therefore, including the truncation, the total area of the properties is 893 square metres which represents a shortfall of 1 per cent. The proposal complies with the provision of a maximum 5 per cent variation.

Access to the 3 lots is now proposed off East Street rather than Berryman Street as the applicants have advised that marketing of the properties is more effective with this design. Furthermore, conforming with the orientation of existing dwellings on the street is also maintained. However, access to the proposed Lot 3 should be off Berryman Street only due to the narrow frontage of the lot to East Street. This is addressed in the conditions of the Officer Recommendation.

In light of the above, the proposal complies with the provisions of the R Codes and is considered supportable.

10.1.20 No. 312 (Lot 3 D/P: 6990) Oxford Street, Leederville - Proposed Change of Use from Single House to Office Building

Ward:	North	Date:	18 July 2005
Precinct:	Leederville; P3	File Ref:	PRO3021; 5.2004.2600.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by A Lombardo on behalf of the owner Linpark Holdings Pty Ltd for proposed Change of Use from Single House to Office Building, at No. 312 (Lot 3 D/P: 6990) Oxford Street, Leederville, and as shown on plans stamp-dated 22 November 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Town Planning Scheme No. 1, and the Town's Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas, respectively; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Maier

That the Item be DEFERRED for further information and clarification regarding the use.

CARRIED (8-0)

(Cr Farrell was an apology.)

Landowner:	Linpark Holdings Pty Ltd
Applicant:	A Lombardo
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House

Use Class:	Office
Use Classification:	"SA"
Lot Area:	607 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject site is occupied by a single storey house, which has car parking access from Oxford Street.

The subject proposal was assessed under the previous *Policy relating to Non-residential Uses In/Or Adjacent to Residential Areas* as it was received prior to 24 May 2005.

DETAILS:

The proposal involves the conversion of an existing single house to an office.

The proposed land use is described as general office and the proposed hours of operation are expected to be 9:00am till 5:00pm.

The expected number of people working from the subject site is four (4) employees; up to two (2) visitors a day are expected. The type of equipment used includes computers, a facsimile, photocopiers and desk printers.

No signage is proposed as part of this application.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Non-residential Uses In/Or Adjacent to Residential Areas	Not cause an undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable on residential areas.	146 square metres of gross floor area for office and five (5) car parking bays.	Not supported - considered to have an undue impact on the amenity of the adjacent residential area.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) - Office (146 square metres) – 2.92 car bays			3 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)			(0.85) 2.55 car bays

Minus car parking on-site	5 car bays	
Minus the most recently approved on-site parking shortfall.	Nil	
Resultant surplus	2.45 car bays	
Bicycle Parking		
Requirements	Required	Provided
Office 1 per 200 (proposed 146) square metres of gross floor area for employees (class 1 or 2).	1 space	Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

The Town's Officers consider the proposed change of use not appropriate for the area, as the area is zoned Residential and the predominant land use in the immediate locality is residential, mainly single houses and grouped dwellings. Furthermore, the Town's Officers consider it will reduce the amenity of the surrounding locality and set an undesirable precedent for similar development in the area.

It is noted that the *Draft Town of Vincent Economic Development Strategy 2005 - 2010*, prepared in March 2005, makes recommendations and suggests strategies to consolidate commercial activity within the Town to the Town's existing District Centres and the immediate surrounds. The Town's Officers therefore consider the proposal to be to the long term detriment of the future economic development within the Town.

In light of the above, the subject application is recommended for refusal.

10.2.4 Meeting between the Town, North Perth Precinct Action Group & Main Roads WA

Ward:	North	Date:	18 July 2005
Precinct:	-	File Ref:	TES0001 & ORG0071
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on a meeting, to discuss traffic issues relating to Charles Street and other related matters, held on 17 June 2005 between the Town's officers, Main Roads WA, an Elected Member and representatives from the North Perth Precinct Action Group;*
- (ii) *WRITES to the Commissioner of Main Roads WA requesting that;*
 - (a) *Charles Street be given a higher priority in their future works programs commencing in 2006/2007 to implement the findings of the Main Roads WA 2003 Road Safety Audit and 2004 Road Link Performance Review reports;*
 - (b) *specific funding be allocated in the 2006/2007 financial year for the provision of additional pedestrian crossing facilities along the section of Charles Street between Scarborough Beach Road and Green Street,*
 - (c) *a full review of pedestrian safety at the intersection of Scarborough Beach Road, Angove and Charles Streets, North Perth be undertaken as a matter of urgency and that the intersection be listed for an upgrade in the 2006/2007 financial year;*
 - (d) *consideration be given to providing contributory funding for the upgrade of the street lighting along Charles Street in the 2006/2007 financial year; and*
 - (e) *reviews pedestrian safety at the intersection of Wanneroo Road, Walcott, Green and Charles Streets, with specific reference to the south eastern truncation where the footpath is inaccessible to wheelchairs, motorised scooters and prams;*
- (iii) *ADVISES the North Perth Precinct Action Group of its resolution; and*
- (iv) *NOTES a further report will be submitted to the Council once a formal response has been received from Main Roads WA.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of the meeting of 17 June 2005 requested by the North Perth Precinct Action Group (NPPAG), and facilitated by the Town, with representatives of Main Roads WA (MRWA) to discuss Charles Street.

BACKGROUND:

In May 2005 the Executive Manager Technical Services (EMTS) and Manager Engineering Design Services (MEDS) attended a meeting of the NPPAG to discuss traffic management issues and future capital works projects within the precinct.

Whilst the information provided at the meeting was appreciated, it became apparent that a majority of the issues raised by residents related to Charles Street, which is under the care control and management of MRWA.

At the conclusion of the meeting it was agreed that, rather than the Town's officers merely passing on the Group's concerns to MRWA, it would be preferable to arrange a meeting with the relevant MRWA officers.

To this end a meeting was arranged for the afternoon of Friday 17 June 2005, to be held at the Town's Administration and Civic Centre.

The meeting was attended by the EMTS, MEDS, Craig Peek and John Venables from MRWA, Cosi Schirripa, Bette Kraemer, Judy Burrows from the NPPAG and Cr Dudley Maier.

The other North Ward Elected Members were unable to attend the meeting and offered an apology.

DETAILS:

At the NPPAG meeting held 20 May 2005 those present raised numerous concerns about Charles Street, specifically the section between the Scarborough Beach Road and Green Street intersection, with a majority of questions related to the lack of pedestrian crossing facilities.

The EMTS advised the Group that as Charles Street came under the care and control of MRWA, that their questions would be best directed to MRWA.

However, it was also agreed that the Group's questions would have more impact if nominated representatives (of the NPPAG) were able to meet with the relevant MRWA officers.

To this end a meeting was arranged for the afternoon of Friday 17 June 2005, to be held at the Town's Administration and Civic Centre.

To enable the meeting to be conducted in an orderly fashion and in accordance with established procedures, an agenda was distributed to those present and minutes taken.

The EMTS provided a brief overview of Charles Street in respect of operational matters and the divisions of responsibility between MRWA and the Town.

Pedestrian Crossing Facilities:

The NPPAG considered that there is a general lack of safe pedestrian crossing facilities/islands in Charles Street and what islands there are, are too narrow.

MRWA acknowledged that there was an issue but that the constraints of older District Distributor Roads, such as Charles Street, particularly when relocating services, made it a difficult and expensive exercise to widen the road for additional median islands.

MRWA advised of a Road Safety Audit, commissioned by them, and undertaken in August 2003, for the full length of Charles Street (Newcastle Street to 100m south of Green Street). Prominent amongst the deficiencies identified was the lack of pedestrian crossing facilities. Further, MRWA also commissioned a Road Link Performance Review in January 2004. A copy of both reports have since been provided to the Town.

The MRWA officers indicated that they had little discretionary funding for improvements such as those proposed by NPPAG but projects would be considered a higher priority if the Town considered co-funding any future works. Further, if the Road Safety Audit was used as a basis for the funding requests, it would also improve any projects prospects for approval.

NPPAG asked why does the Town need to co-fund improvement projects given that MRWA appear to have spent very little money in Charles Street over the past decade?

MRWA pointed out that while MRWA is responsible for the carriageway, the Town is responsible for verges, including footpaths and street lighting, and therefore any improvement projects would have to involve both authorities.

When questioned by NPPAG about the current poor state of Charles Street, MRWA acknowledged that the maintenance of MRWA infrastructure could be better and was being addressed with the Term Network Contractor.

It was noted that as Charles Street is a high frequency / trunk bus route, it would make some sense to have additional pedestrian refuge islands located adjacent to bus stops encouraging greater patronage.

MRWA suggested that using the aforementioned Road Safety Audit as a basis, perhaps the Town could consider applying for 'Black Spot' funding and that there was also potential for funding under the soon to be announced Safer Roads Program.

It was pointed out that the Town (reluctantly) appeared to be assuming responsibility for what is essentially a MRWA issue.

NPPAG asked when, if ever, MRWA foresaw Charles Street being widened under the existing Planning Control Area? MRWA advised other than localised and minor works such as additional median islands, that Charles Street did not currently appear in any long term planning studies or programs.

It was becoming apparent to the meeting that unless the Town took the lead on Charles Street then it (Charles Street) was a low priority for MRWA. The EMTS suggested that perhaps the Town, through Council, write to the Commissioner of Main Roads WA, seeking to raise the profile of Charles Street, not in respect of widening the road, but to ensure it was given higher priority when formulating road safety improvement projects and maintenance programs.

The NPPAG ventured that perhaps they also needed to lobby Council and raise the issue with the local members of Parliament.

MRWA suggested that once the Town had a copy of the Road Safety Audit and Road Link Performance Review reports, that the only remaining information to be collected was a pedestrian needs study whereby an actual count of the number and location of pedestrians crossing Charles Street is undertaken.

Signals or Flashing Lights for the School Crossing at Selkirk Street

NPPAG asked if it was possible to have a 'pelican' or pedestrian actuated signalised crossing installed at Selkirk Street, currently controlled by a School Crossing Warden, or alternatively flashing warning signals such as installed on Guildford Road in Bayswater.

MRWA advised that a needs study or 'warrant' was required to show that that enough people crossed Charles Street at this point on a regular basis to justify the cost of installation (approximately \$250,000), which was highly unlikely. Normally these facilities are only installed in retail / commercial areas with high pedestrian traffic. In respect of the disadvantages, MRWA advised that if a 'pelican' crossing was installed then the School Crossing Warden would be withdrawn as the two (2) systems cannot operate in tandem. Further anecdotal evidence suggested that if the signals are rarely used, motorists who are accustomed to an uninterrupted journey tend not to notice them.

With regard to the advanced flashing warning lights in Guildford Road, MRWA advised that it is a trial and that they would be reluctant to install any more until the trial is completed

Pedestrian Safety at the Intersection of Scarborough Beach Road, Angove and Charles Streets, North Perth

The NPPAG raised concerns that the intersection was pedestrian unfriendly and that there were points where it was almost impossible for people in a wheelchair and/or motorised scooters to cross and even prams experienced some difficulty. In fact several years ago the intersection featured in media reports in which it was suggested the intersection was being 'looked at'.

MRWA acknowledged that the intersection is of concern and that there was a program in place to improve signalised intersections across the metropolitan area but that it has a very limited budget. Further MRWA has an order of priority and are currently concentrating on roads such as Canning and Stirling Highways.

It was suggested that if the Town were to approach MRWA with a cost sharing proposal, then the intersection would be given a higher priority.

Adequacy of Street Lighting in Charles Street

MRWA was advised that the Town had, over the past five (5) years, upgraded the street lighting on its District and Local Distributor Roads to Australian Standards, with Charles Street by comparison poorly lit.

MRWA countered that lighting is a Local Government issue while acknowledging that it was potentially a road safety issue on an MRWA Primary Distributor Road.

It was also pointed out that MRWA contributed only about \$400 annually to the cost of running the streetlights while the cost of upgrading the streetlights would be in the order of \$40,000.

MRWA conceded that it was an unreasonable burden on the Town and suggested that MRWA may fund up to 50% of the capital which will also result in an increased annual contribution for operating costs.

Pedestrian Safety at the Intersection of Wanneroo Road, Charles, Green and Walcott Streets, North Perth

The issue was raised, and of which MRWA were aware, of a dangerous situation at the south eastern truncation of the above intersection, specifically adjacent to 566 Charles Street. The footpath abutting the northern boundary of the above house is about 1.2m wide with a Western Power pole placed squarely in the centre of the path and bounded by a barrier kerb and a brick fence. As a consequence anyone in a wheelchair, motorised scooter or pushing a pram has no where to go and would have to either return to the intersection and cross to the western side of Charles Street (if heading south) or use aligned crossovers, at an inappropriate location, to cross to the western side, if heading north.

At some stage, prior to the creation of the Town, the intersection was widened and the width of the footpath reduced without the pole being shifted.

MRWA has in the past acknowledged that it is a issue but suggested that the problem was created by the then City of Perth. Further, the problem does not appear in the Road Safety Audit as it finished approximately 100m south of the intersection.

An indicative cost to relocate the pole is \$15,000.

However, as Charles Street is a MRWA asset, it is not a responsibility that should be shifted to the Town.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY

The Commissioner of Main Roads WA has the ultimate responsibility for the determination and installation of appropriate pedestrian and road safety road improvements within Western Australia.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan - Amended 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment - Traffic and Parking “*h) Investigate and implement transport development and management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community.*”

COMMENTS:

The meeting of 17 June 2005 was held in an amicable and open manner and appeared to be appreciated by the representatives of the NPPAG. It gave a 'face' to MRWA and allowed some insight into the budget constraints placed upon the MRWA officers.

Further it gave NPPAG an appreciation of the costs of improvement projects, particularly in respect of the hidden costs such as service relocations.

The meeting also discussed other issues and locations within and on the boundaries of the precinct which the Town's Officers will follow up separately with MRWA.

The over riding feeling that came out of the meeting was that MRWA are aware of the issues in Charles Street but that it is of low priority.

NPPAG concluded that the only way to raise awareness of the issues was by political means, lobbying Council, writing to the Commissioner and bringing it to the attention of the local members of parliament.

Further, it became apparent that in the current funding climate for MRWA improvement projects, that the Town's best chance for success in having significant works undertaken in Charles Street is to enter into co-funding arrangements. But it was also acknowledged that as both the Town's and MRWA's 2005/06 budgets were largely finalised, and given that specific projects had not been identified, that it was an area that could be pursued over the course of the year. And if agreement can be reached, both parties could make the appropriate allocations in their respective 2006/07 budgets.

10.4.2 Review and Adoption of Code of Conduct - 2005

Ward:	-	Date:	18 July 2005
Precinct:	-	File Ref:	ADM0050
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY the adoption of an amended draft Code of Conduct to be observed by Elected Members and Employees, as detailed in Appendix 10.4.2, in accordance with Section 5.103 of Division 9 of Part 4 of the Local Government Act 1995; and*
- (ii) *ADVERTISES the draft Code of Conduct for community consultation for a period of twenty-one (21) days and any comments or submissions be reported to the Council.*

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.36pm.

Moved Cr Ker, Seconded Cr Messina

That clause (i) be amended to read as follows:

- “(i) *APPROVES BY AN ABSOLUTE MAJORITY the adoption of an amended draft Code of Conduct to be observed by Elected Members and Employees, as detailed in Appendix 10.4.2, in accordance with Section 5.103 of Division 9 of Part 4 of the Local Government Act 1995 subject to the following amendments;*

Amendment

No.

1. Clause 1 – Introduction

Delete the word “members” after the word “community” in the last paragraph and insert the word “representatives”.

2. Clause 3.2 – Financial Interest

Insert the words “and community representatives” after the word “Employees”.

3. Clause 4.1 – Use of Confidential Information

Insert the words “and community representatives” after the word “Employees”.

4. Clause 4.4 – Improper or Undue Influence

Insert the words “and community representatives” after the word “Employees”.

5. Clause 4.5 – Acceptance of Gifts – subclause (a)

Insert the words “and community representatives” after the word “Employees”.

6. Clause 4.5 – Acceptance of Gifts – subclause (f)(ii)

Insert the words “(or a combination of the gifts in any one annual return period)” after the words “is a gift”.

7. Clause 4.5 – Acceptance of Gifts – subclause (h)

Delete the words “exempt or non-)” after the words “other than”.

8. Clause 6.2 – Personal Behaviour– subclause (a)

Insert the words “and community representatives” after the word “Employees”.

9. Clause 6.2 – Personal Behaviour– subclause (a)(iv)

Insert the words “subject to clause 6.7(d)” at the beginning of the paragraph.

10. Clause 6.2 – Personal Behaviour– subclause (a)(viii)

Delete the word “Council” and insert the word “official” in its place.

11. Clause 6.3 – Honesty and Integrity

Insert the words “and community representatives” after the word “Employees” in the first line.

12. Clause 6.7 –Communication and Public Relations – subclause (a)(ii)

Insert the words “Unless on approved leave of absence or unavailable for other reasons,” at the beginning of the subclause.”

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.39pm.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Lake, Seconded Cr Chester

That additional clauses (i)(13) – (17) be added as follows:

“13. Clause 1 – Introduction

Delete the words “local government” in the third paragraph and insert the words “Town of Vincent” in its place.

14. Clause 4.5 – Acceptance of Gifts – subclause (f)(i)

Delete the words “token gift” and insert “gift of hospitality” in its place.

15. Clause 6.7 – Communication and Public Relations – subclause (g)(iv)

Delete the word “and” at the end of the sentence and insert the word “or” in its place.

16. Clause 8.2 – Enforcement of the Code – subclause (c)

Delete the word “Council’s” and insert the word “Town’s” in its place.

17. Clause 8.5 – Protection of Persons Reporting Unacceptable or Illegal Behaviour

Insert the words “The Chief Executive Officer’s action is limited to matters for which he/she has responsibility and/or jurisdiction to act.” at the end of the paragraph.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Maier, Seconded Cr Lake

That clause (i) be amended to read as follows:

“(i) APPROVES IN PRINCIPLE ~~BY AN ABSOLUTE MAJORITY~~ the adoption of an amended draft Code of Conduct to be observed by Elected Members and Employees, as detailed in Appendix 10.4.2, in accordance with Section 5.103 of Division 9 of Part 4 of the Local Government Act 1995; and”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Chester, Seconded Cr Torre

That new clause (i)(7) be deleted and a new clause (i)(7) be added as follows:

“7. Clause 4.5 – Acceptance of Gifts – existing subclause (h) be deleted and a new subclause (h) inserted as follows:

‘(h) Where a gift(s) of a civic nature exceeds \$200 is received from a visiting dignitary as part of civic/ceremonial protocols and/or customs, they can only be accepted on behalf of the Town and shall become the property of the Town.’; and

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Torre, Seconded Cr Messina

That new clause (i)(12) be amended to read as follows:

“12. Clause 6.7 – Communication and Public Relations – subclause (a)(ii)

- **Insert the words “Unless on approved leave of absence or unavailable for other reasons,” at the beginning of the subclause; and**
- **Insert the following sentence at the end of the subclause:**

‘An adequate response includes delegation to the Town’s officers for comment, response and action directly to the enquirer.’”

Debate ensued.

AMENDMENT CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	Cr Maier
Cr Doran-Wu	
Cr Ker	
Cr Messina	
Cr Torre	

(Cr Farrell was an apology.)

Moved Cr Torre, Seconded Cr Ker

That a new clause (i)(18) be added as follows:

“18. Clause 6.4 – Performance of Duties – subclauses (d) and (e)

- **Delete the words “tender an apology” in subclause (d) and insert the words “or offers an apology for being unavailable for other reasons” in their place; and**

- Insert the words “unless there is an overriding valid reason for leaving” at the end of paragraph (e).

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Maier, Seconded Cr Lake

That a new clause (i)(19) be added to read as follows:

“19. Clause 4.5 – Acceptance of Gifts – subclause (d)

Insert the word “total” after the word “estimated” in the last dot point.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Torre, Seconded Cr Doran-Wu

That new clause (i)(10) be amended to read as follows:

“10. Clause 6.2 – Personal Behaviour– subclause (a)(viii) and new clause (xi)

- **In subclause (viii) delete the word “Council” and insert the word “official” in its place; and**
- **Insert a new subclause (xi) as follows:**

‘(xi) not denigrate or cast aspersions on an Employee’s or Elected Member’s commitment, contribution or competence.’

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Doran-Wu	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *APPROVES IN PRINCIPLE the adoption of an amended draft Code of Conduct to be observed by Elected Members and Employees, as detailed in Appendix 10.4.2, in accordance with Section 5.103 of Division 9 of Part 4 of the Local Government Act 1995 subject to the following amendments;*

**Amendment
No.**

1. Clause 1 – Introduction

Delete the word “members” after the word “community” in the last paragraph and insert the word “representatives”.

2. Clause 3.2 – Financial Interest

Insert the words “and community representatives” after the word “Employees”.

3. Clause 4.1 – Use of Confidential Information

Insert the words “and community representatives” after the word “Employees”.

4. Clause 4.4 – Improper or Undue Influence

Insert the words “and community representatives” after the word “Employees”.

5. Clause 4.5 – Acceptance of Gifts – subclause (a)

Insert the words “and community representatives” after the word “Employees”.

6. Clause 4.5 – Acceptance of Gifts – subclause (f)(ii)

Insert the words “(or a combination of the gifts in any one annual return period)” after the words “is a gift”.

7. Clause 4.5 – Acceptance of Gifts – existing subclause (h) be deleted and a new subclause (h) inserted as follows:

(h) Where a gift(s) of a civic nature exceeds \$200 is received from a visiting dignitary as part of civic/ceremonial protocols and/or customs, they can only be accepted on behalf of the Town and shall become the property of the Town.’;

8. Clause 6.2 – Personal Behaviour– subclause (a)

Insert the words “and community representatives” after the word “Employees”.

9. *Clause 6.2 – Personal Behaviour– subclause (a)(iv)*
Insert the words “subject to clause 6.7(d)” at the beginning of the paragraph.
10. *Clause 6.2 – Personal Behaviour– subclause (a)(viii) and new clause (xi)*
- *In subclause (viii) delete the word “Council” and insert the word “official” in its place; and*
 - *Insert a new subclause (xi) as follows:*
(xi) not denigrate or cast aspersions on an Employee’s or Elected Member’s commitment, contribution or competence.’
11. *Clause 6.3 – Honesty and Integrity*
Insert the words “and community representatives” after the word “Employees” in the first line.
12. *Clause 6.7 –Communication and Public Relations – subclause (a)(ii)*
- *Insert the words “Unless on approved leave of absence or unavailable for other reasons,” at the beginning of the subclause; and*
 - *Insert the following sentence at the end of the subclause.*
‘An adequate response includes delegation to the Town’s officers for comment, response and action directly to the enquirer.’
13. *Clause 1 – Introduction*
Delete the words “local government” in the third paragraph and insert the words “Town of Vincent” in its place.
14. *Clause 4.5 – Acceptance of Gifts – subclause (f)(i)*
Delete the words “token gift” and insert “gift of hospitality” in its place.
15. *Clause 6.7 –Communication and Public Relations – subclause (g)(iv)*
Delete the word “and” at the end of the sentence and insert the word “or” in its place.
16. *Clause 8.2 – Enforcement of the Code – subclause (c)*
Delete the word “Council’s” and insert the word “Town’s” in its place.
17. *Clause 8.5 – Protection of Persons Reporting Unacceptable or Illegal Behaviour*
Insert the words “The Chief Executive Officer’s action is limited to matters for which he/she has responsibility and/or jurisdiction to act.” at the end of the paragraph.

18. Clause 6.4 – Performance of Duties – subclauses (d) and (e)

- *Delete the words “tender an apology” in subclause (d) and insert the words “or offers an apology for being unavailable for other reasons” in their place; and*
- *Insert the words “unless there is an overriding valid reason for leaving” at the end of paragraph (e).*

19. Clause 4.5 – Acceptance of Gifts – subclause (d)

Insert the word “total” after the word “estimated” in the last dot point.

- (ii) **ADVERTISES** the draft Code of Conduct for community consultation for a period of twenty-one (21) days and any comments or submissions be reported to the Council.

ADDITIONAL INFORMATION:

As stated in the report, the draft Code was referred to the Department of Local Government (DLG) for comment. Verbal comments were received and these were included in the report. On 26 July 2005, a letter was received from the DLG and this is tabled. The letter refers to other comments and these have been included.

- Clause 4.5(f)(i)
With reference to clause 4.5(f)(i), the CEO has deleted “token gift” and inserted “gift of hospitality”. It is considered impracticable and in some cases may cause offence to totally prohibit the receiving of all gifts in these cases. The draft Code has restrictions to prevent the repeated acceptance of gifts (clause 4.5(f)(iv)). Furthermore, a “gift of hospitality” has a value of less than \$50, which limits the value of any gift which may be received.
- Clause 6.7
By changing “and” to “or” gives more flexibility to Elected Members.
- Clause 8.2
The Town is the legal employer and not the Council. Therefore, the words have been changed.
- Clause 8.3
The DLG’s comment about including the details about complaints in the proposed “Complaints Handling Policy” is noted and supported. The basic details have been retained in the draft Code and the full details will be included in the proposed policy (which has been issued to Elected Members and Managers for comment). This will be reported to the Ordinary Meeting of Council to be held on 9 August 2005.

It is pleasing to note that the DLG supports the Town’s draft Code.

PURPOSE OF REPORT:

The purpose of this report is for the Council to review, amend and approve of its Code of Conduct for Elected Members and Employees.

BACKGROUND:

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees.

At the Ordinary Meeting of Council on 26 August 1996 the Council adopted its first Code of Conduct. The Code is very similar to that published by the Western Australian Municipal Association.

The Council reviewed the Code on 14 July 1997 and re-adopted it. The code was amended on 23 August 1999 to include details about the acceptance of gifts. The Code was re-adopted without change on 28 August 2001. A major review was carried out in 2004 and a new Code of Conduct adopted on 24 February 2004.

Recommended Amendments

A number of amendments have been included. These are to cover topics which have arisen as a result of issues which occurred over the previous twelve months, matters which have been identified as a result of recent Inquiries into other Councils and also to provide guidance in other areas. A review of several other local governments' Codes has revealed that they contain similar provisions.

These include;

1.1 Introduction

A new clause has been included to state that the Code will apply to community members who may serve on any Council committees, Working or Advisory Groups;

2.1 Civic Leadership

The word "the" has been changed to "an" to reflect that there are other community leaders.

3.1 Conflict of Interest

(a) Clause (c) has been amended to require the Chief Executive Officer to advise the Mayor of his intention to undertake any land dealings in the Town.

(b) Clauses (d) and (f) have been deleted and the remaining clauses renumbered.

(c) Clause (e) has had the word "*recruitment*" included.

3.3 Disclosure of Interest

The word "*adversely*" has been deleted from clause (a).

4.5 Acceptance of Gifts

This clause has been substantially changed after receiving advice from the Department of Local Government.

Comments on subclauses:

- (b) This was previously applicable to the Mayor and Chief Executive Officer and has been amended to include all Elected Members and Employees who attend official functions on behalf of the Council. This amendment reflects the current practice.
- (c) This has been changed to include the definition of "token gifts" as prescribed in the Local Government Act Regulations. The value has remained unchanged at \$200.
- (d) Amendments to this clause delete reference to values of gifts between \$100 and \$200.
- (e) This has been changed to require any gifts above \$200 to be promptly returned to the donor with an explanation.

The previous subclause (e) had a requirement that if a gift had a value of less than \$100 it was considered "exempt". The Department of Local Government has advised that the strict interpretation of the Regulation does not allow for a Council to exempt gifts.

- (f) (ii) This subclause defines a "gift of hospitality" (as permitted by the Regulations), however, it reduces the value from \$100 to \$50. It also prescribes that these gifts are not required to be recorded. It prescribes examples of hospitality gifts and deletes gifts of travel or accommodation.

Previous subclause (f) has been deleted as it has been covered by the new subclause (f).

6.2 (iv) Personal Behaviour

This new sub-clause requires Elected Members and Employees to clearly explain to developers and ratepayers whether they are acting on an individual basis or in an official capacity.

- (vi) This new sub-clause requires Elected Members and Employees

This new sub-clause requires Elected Members and Employees to ensure their comments are pertinent to the Town and are accurate.

- (ix) This new sub-clause requires Elected Members and Employees to act in a proper manner at all times whilst conducting official business.
- (x) This new sub-clause expands the previous requirement for the standard of dress.

6.3 (b) This has been amended to place onus on the Chief Executive Officer/Mayor to report any findings of dishonesty

6.3 (d) Inserted as a new clause 6.8(e).

6.4 Performance of Duties

Employees

Amendments to this clause are clearer and more prescriptive.

Elected Members

New sub-clauses are as follows;

- (b) require Elected Members to inform themselves for the business of Council, including being familiar with Agenda reports;
- (c) treat all community members honestly and fairly;
- (d) attend Council meetings, unless on approved leave or are ill;
- (e) specify that Elected Members are expected to remain for the duration of Council meetings.

6.7 Communication and Public Relations

New clauses have been included as follows;

- (a)(i) and (ii) - specify requirements for Elected Members and Employees to respond to ratepayer enquiries;
- (b) specify the Local Government Act requirements about the Mayor speaking on behalf of the Council and only to express the view of the Council (if one has been made).
- (d) Expression of Personal Views

This clause clarifies when and how comments can be made to the media.

- (e) Comment during Public Consultation Period

This clause clarifies when and how comments can be made during this period. Advice has been received from the Department of Local Government and the Town's solicitors, both which support the position that comment during this period should be refrained from and if any comment is made, it should be precisely prefaced as a personal view and not biased towards or pre-judging a matter, before the matter is determined by the Council.

The Local Government Act requires Elected Members and Employees to consider matters fairly, objectively and on their individual merits and not to pre-judge or form a biased view, prior to the matter being considered officially at a Council meeting, where all the information and facts will be presented in a report.

If a Council, Elected Member or Employee forms a biased view or pre-judges a matter, before it being officially considered at a meeting, it may give an aggrieved person the right of appeal to the State Administrative Tribunal on the basis of the biased or pre-judged views.

This sub-clause also prescribes that the Mayor and/or Chief Executive Officer will take appropriate action to correct any erroneous information in the media.

(f) Defamation

This sub-clause specifies that qualified privilege will only apply to Elected Members and not necessarily to Employees. It requires any comments to be truthful and not made maliciously.

(g) Elected Member Accessibility

This sub-clause specifies the minimum requirements for an Elected Member to be made, in order that they can be contacted by the community.

6.8 Relationships between Elected Members and Employees

Minor amendments are made clarifying this clause.

7.4 Dealings with Council by Elected Members and Employees

This new clause prescribes the conditions under which Elected Members and Employees can conduct business with the Council. It also refers to a new Council Policy concerning this matter.

8.3 Dealing with Complaints and Allegations

This new clause specifies the conditions for dealing with complaints and allegations, which reflects the current practice which is being used by the Town. It introduces;

- (a) the preference for a Statutory Declaration to be made in complaints/allegations against Elected Members and the Chief Executive Officer; and
- (b) any procedure to follow the principles of "natural justice" and "procedural fairness"

All serious complaints/allegations or one which alleges misconduct or corruption (as defined by the Corruption and Crime Commission Act 2003) must be verified by a Statutory Declaration, as prescribed by the Evidence Act 1906. This will minimise any malicious or vexatious complaints and will place responsibility on the complainant to give accurate evidence.

The Code also refers to a new Council Policy for Complaint Handling. (The actual procedure to be followed for investigation of complaints will be specified in the new Policy and Procedures. It is proposed to submit a report to the Ordinary Meeting of Council on 9 August 2005.)

8.4 Protection for Persons making Complaints

This new clause introduces protection for persons making complaints (in accordance with "Whistleblower" legislation).

8.5 Corruption and Crime Commission Act 2003

This new clause includes requirements under this new legislation and introduces definitions for "misconduct" and "corrupt behaviour".

Note:

Elected Members sign a declaration to comply with the Code, when they are sworn in.

A copy was provided to all Elected Members, senior employees and the Department of Local Government requesting comments by 18 July 2005. Comments were received from Cr Maier and, where appropriate, these have been incorporated into the Code. The Department of Local Government has advised that the draft Code is acceptable however, recommended the section relating to "Acceptance of Gifts" be significantly amended and this has been included.

CONSULTATION/ADVERTISING:

Once adopted, the amended Code will be issued to Elected Members, Employees and displayed on the Town's web page.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.103, states the following:

- "(1) Every Local Government is to prepare or adopt a Code of Conduct to be observed by Council Members, Committee Members and Employees.*
- (2) A Local Government is to review its Code of Conduct within 12 months after each ordinary election day and make changes to the Code, as it considers appropriate."*

Any review is to consider and address any problems experienced within the preceding 12 months in regard to its application or interpretation and recommend any amendments that may be appropriate.

Over the previous two years, there have been several occasions where the Code of Conduct is silent or unclear in dealing with matters (e.g. comments being made to the media, role of Mayor as Council spokesperson). In addition, a new Corruption and Crime Commission Act 2003 has come into effect, which deals with misconduct and corruption. The previous Code of Conduct has been deficit in prescribing the necessary standards. Accordingly, a number of new Clauses have been inserted - to apply to both Elected Members and Employees.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008 Key Result Area 4 - "Governance and Management".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In order to satisfy the statutory requirement of the Local Government Act 1995, the Council is recommended to re-adopt the Town's Code of Conduct together with the draft amendments, as shown in Appendix 10.4.2. Copies will be provided in the Council Chamber, together with the Standing Orders Local Law, Financial Interests Handbook and Protocols Manual.

10.4.3 Review and Adoption of Delegated Authority 2005

Ward:	All	Date:	19 July 2005
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegation Register, as shown in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is seek Council's approval of the Delegations Register for the 2005-2006 year.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The CEO exercises the delegated authority in accordance with the Council's policies.

The CEO has reviewed the current delegation register. The register is the same as that adopted last year and includes delegations which have been approved during the year by the Council.

Planning and Building Delegations

The Independent Organisational Review dated April 2003, Recommendation 6 stated:

"Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration."

Variations policies have been reviewed and approved by the Council. Some delegations have also been approved (eg refusal of “X” use).

The Town’s Administration has been concentrating on reviewing policies and the Development Approval process, as this will have a major impact on the Delegations from the Council. These have now been substantially completed a report was included at Item 10.4.6 at the Ordinary Meeting of Council held on 12 July 2005 concerning variations to Planning and Building Licence.

The Town’s administration will not be seeking any further delegations or variations to existing delegations at this point of time.

It is recommended that the Council approve of the Delegations for 2005-2006 which are identical to last year, and as amended at the Ordinary Meeting of Council held on:

- 22 March 2005 – Authority to determine and refuse “X” and “non-conforming” uses.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

Quarterly reports detailing the administration’s use of delegations are report to the Council as follows:

Period	Report to Council
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council’s Strategic Plan 2005-2010 (Amended) *“Key Result Area 4.2 – Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town”*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the delegations for 2005-2006 be approved by the Council.

10.4.5 National General Assembly of Local Government 2005

Ward:	-	Date:	20 July 2005
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Deputy Mayor be authorised to attend the National General Assembly of Local Government to be held at the National Convention Centre, Canberra, from Monday 7 November 2005 to Thursday 10 November 2005 at an estimated cost of \$2,555 and the Mayor be authorised to attend from Monday 7 November to Tuesday 8 November 2005 at an estimated cost of \$1,210.00.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Maier, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	
Cr Doran-Wu	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Torre	

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor and Deputy Mayor's attendance at the National General Assembly of Local Government in Canberra from Monday 7 November 2005 to Thursday 10 December 2005.

BACKGROUND:

The National General Assembly of Local Government is to be held at the National Convention Centre, Canberra from Monday 7 November 2005 to Thursday 10 November 2005. This is the peak forum for Local Government Elected Members from throughout Australia.

National General Assembly

The theme for the National General Assembly 2005 is "Good to Great: pursuing progress through partnerships". This will focus on local government relationships with the community, with federal and state governments, and with other Councils, both here in Australia and overseas. A copy of the program is "Laid on the Table".

The Assembly will investigate the partnership frameworks within which Councils operate and expand the debate on constitutional recognition (a subject passionately discussed at last year's Assembly).

Guest speakers will include:

- Phillip Adams, broadcaster, filmmaker, author, archaeologist, controversialist, social commentator;
- Bernard Salt, business analyst, media commentator, and consumer and cultural trends commentator; and
- Jim Soorley, former Lord Mayor of Brisbane City Council.

The Assembly will also hear from Australia's political leadership and senior federal ministers and opposition counterparts. This year's sessions will include:

- Working together to manage emergencies;
- The benefits of arts-based community development strategies in building healthy, active communities;
- Electro-magnetic radiation management with Site Management Alliance; and
- Local Council partnerships with Papua New Guinea and East Timor communities.

Councils across Australia were profoundly touched by the Indian Ocean tsunami and responded with donations and offers of direct assistance. A special session on Australia's response to the tsunami, particularly the recovery phase, will be held on the Tuesday afternoon. The Assembly will hear from the commander of the 1,000 strong Australian Defence Force emergency response group, Brigadier David Chalmers. This will be followed by reports from representatives from AusAID and the Australian Council for International Development, the peak body for non-government aid organisations.

The Assembly will be attended by in excess of 500 delegates Elected Members and Senior Local Government personnel and provides an excellent forum to discuss issues affecting Local Government.

FINANCIAL IMPLICATIONS:

National General Assembly

	Deputy Mayor Costs	Mayor Costs
Assembly Registration (early bird - payment by 12 September 2005)	\$755.00	\$410.00
Accommodation	\$600.00	\$200.00
Airfare (economy class)*# - <i>indicative cost</i>	\$900.00	\$450.00
Expenses allowance	\$300.00	\$150.00
	\$2,555.00	\$1,210.00

* *Business Class Airfare is \$2,645.*

Mayor's fare - One way Perth/Canberra

LEGAL POLICY:

Council's Policy 4.1.15 – "Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters"- Clause 1.1 states that up to a maximum of one Elected Member and One officer may attend conferences.

Council's Policy 4.1.15 – "Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters"- states that the Mayor and Chief Executive Officer are entitled to travel business class and all other persons to travel economy class. However, in view of the cost difference in airfares, the Mayor has indicated his preference to travel economy class.

Chief Executive Officer's Comment:

The National General Assembly is the peak forum for Local Government. It is normally attended by the Mayor and Chief Executive Officer. However, the Chief Executive Officer proposes to attend a Town Centre and Mainstreet Conference at this time of the year.

The Mayor will only be available to attend the Assembly on 7-8 November 2005, due to other local government associated commitments in Melbourne from 9 November 2005.

Accordingly, it would be appropriate and beneficial for the Deputy Mayor to attend the whole of the Assembly (in lieu of the Chief Executive Officer) and for the Mayor to part attend.

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

Chief Executive Officer's Comment:

Previous attendance at the National General Assembly has been as follows;

<u>Year*</u>	<u>Attendees</u>
1998	Chief Executive Officer, John Giorgi and former Mayor John Hyde (in his capacity as President of the Local Government Association)
2002	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2003	Mayor Nick Catania, Chief Executive Officer, John Giorgi and Councillor Steed Farrell**
2004	Nil attendance

* Nil attendance 1995, 1996, 1997, 1999, 2000 and 2001

** Councillor Farrell was already in Canberra on work matters and therefore only a Day Registration for the Conference was paid at a cost of \$400.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Council's Strategic Plan 2005-2010 (Amended), Key Result Area 4.3:

"4.3(c) Actively participate in community, local, State and Federal government forums and professional seminars."

Attendance at this National Forum is an excellent opportunity for the Mayor and Deputy Mayor to be appraised of issues relating to Local Government, to network with colleagues and to lobby politicians.

COMMENT:

It is requested that approval be granted for the Deputy Mayor to attend the National General Assembly of Local Government and the Mayor to part attend.

10.4.6 Adoption of Draft Policy – Perth Oval (Members Equity Stadium) Concerts

Ward:	-	Date:	19 July 2005
Precinct:	-	File Ref:	RES0072
Attachments:	001		
Reporting Officer(s):	D Brits, John Giorgi		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Town's proposed Draft Policy relating to Concerts at Members Equity Stadium (Perth Oval);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Draft Policy No 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) as endorsed by the Council appointed Stadium Committee; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed policy amendments for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council if any substantial public comments are received; and*
 - (c) *include the policy in the Policy Manual if no or only minor public submissions are received.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

That clause (ii) be amended to read as follows:

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Draft Policy No 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) as endorsed by the Council appointed Stadium Committee subject to the Draft Policy being amended as follows; and*
 - (a) *Clause 2.3: 'Whenever possible, every endeavour should be made to ensure that concerts are not to be held between Sunday and Thursday inclusive. Concerts applying to be held between Sunday and Thursday will only be approved if they are national or international artists tour with fixed commitments before and after the proposed Perth date(s)';*
 - (b) *Clause 4.1: 'A Noise Control and Concert Bond of \$5,000 \$20,000 is to be submitted to the Town with the Deed of Licence...';*

- (c) Clause 5.2: 'A Public Transport Promotion Strategy Plan is to be submitted and is subject to approval by the Town's Chief Executive Officer for events with attendances estimated to be above 10,000 attendees and such Plan shall include a requirement for "joint ticketing" or its equivalent proposal provided by the State's Transport Authority.'; and

Debate ensued.

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Messina
Cr Chester	
Cr Doran-Wu	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Torre	

(Cr Farrell was an apology.)

Moved Cr Maier, Seconded Cr Lake

That clauses (ii)(d)-(g) be added as follows:

"(ii) (d) Clause 6.10 being amended to read as follows:

"The Promoter is to comply through the Acoustic Engineer with all requirements relating to of a Regulation 19 (non-complying) event advertising, and liaison with residents meetings and business proprietors regarding liaison with adjacent jurisdictions";

(e) Clause 7.2 being amended to read as follows:

'Any variations to standard Variables to normal sporting events or additional entertainment or concert-specific items is to be addressed in a Risk Management Plan Addendum. — Variables The variations are to be and submitted to the Town with the original application for assessment';

(f) Clause 7.6 be deleted and a new clause 7.6 inserted as follows:

7.6 (a) Litter is to be removed from the Stadium adjoining streets within twelve (12) hours of the Event finish time; and

(b) The Stadium is to be cleared of rubbish and stored in secure receptacles within twenty-four (24) hours of the Event finish time.';

(g) Clause 8.1 being amended to read as follows:

'Any significant damage to the buildings, seating, property, grounds or pitch damage is to be reported to the Town's Chief Executive Officer within 24-hours after the event by the Venue Stadium Manager. and the Promoter will be kept responsible for subsequent costs in accordance with Clause 6.4 of the Standard Deed of Licence. The risk of non-compliance is for the Venue Manager.'"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Maier, Seconded Cr Ker

That a new clause (ii)(h) be added as follows:

“(ii) **(h) Clause 6.2 being amended to read as follows:**

‘Maximum sound level of 80 decibels (dB[A]) to be received on the footpath at the nearest residential property in each of the surrounding streets and 101 decibels (dB[A]) at the mixing desk. However, should more than three (3) justified noise complaints be received within 15 minutes, the sound levels are to be adjusted (lowered) to rectify or address the complaint.’

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

**MOTION AS AMENDED
CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) *RECEIVES the report relating to the Town's proposed Draft Policy relating to Concerts at Members Equity Stadium (Perth Oval);*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Draft Policy No 4.1.25 - relating to Concerts at Members Equity Stadium (Perth Oval) as endorsed by the Council appointed Stadium Committee subject to the Draft Policy being amended as follows;*
 - (a) *Clause 2.3: 'Whenever possible, every endeavour should be made to ensure that concerts are not to be held between Sunday and Thursday inclusive. Concerts applying to be held between Sunday and Thursday will only be approved if they are national or international ~~artists~~ tour with fixed commitments before and after the proposed Perth date(s)';*
 - (b) *Clause 4.1: 'A Noise Control and Concert Bond of ~~\$5,000~~ \$20,000 is to be submitted to the Town with the Deed of Licence...';*
 - (c) *Clause 5.2: 'A Public Transport Promotion ~~Strategy~~ Plan is to be submitted and is subject to approval by the Town's Chief Executive Officer for events with attendances estimated to be above 10,000 attendees and such Plan shall include a requirement for "joint ticketing" or its equivalent proposal provided by the State's Transport Authority.';*

- (d) *Clause 6.10 being amended to read as follows:*

~~‘The Promoter is to comply through the Acoustic Engineer with all requirements relating to of a Regulation 19 (non complying) event advertising, and liaison with residents meetings and business proprietors regarding liaison with adjacent jurisdictions’;~~

- (e) *Clause 7.2 being amended to read as follows:*

~~‘Any variations to standard Variables to normal sporting events or additional entertainment or concert-specific items is to be addressed in a Risk Management Plan Addendum. —Variables The variations are to be and submitted to the Town with the original application for assessment’;~~

- (f) *Clause 7.6 be deleted and a new clause 7.6 inserted as follows:*

7.6 (a) Litter is to be removed from the Stadium adjoining streets within twelve (12) hours of the Event finish time; and

(b) The Stadium is to be cleared of rubbish and stored in secure receptacles within twenty-four (24) hours of the Event finish time.’;

- (g) *Clause 8.1 being amended to read as follows:*

~~‘Any significant damage to the buildings, seating, property, grounds or pitch damage is to be reported to the Town’s Chief Executive Officer within 24-hours after the event by the Venue Stadium Manager. and the Promoter will be kept responsible for subsequent costs in accordance with Clause 6.4 of the Standard Deed of Licence. The risk of non compliance is for the Venue Manager.’; and~~

- (h) *Clause 6.2 being amended to read as follows:*

‘Maximum sound level of 80 decibels (dB[A]) to be received on the footpath at the nearest residential property in each of the surrounding streets and 101 decibels (dB[A]) at the mixing desk. However, should more than three (3) justified noise complaints be received within 15 minutes, the sound levels are to be adjusted (lowered) to rectify or address the complaint.’; and

- (iii) *AUTHORISES the Chief Executive Officer to:*

- (a) *advertise the proposed policy amendments for a period of twenty one (21) days, seeking public comment;*
- (b) *report back to the Council if any substantial public comments are received; and*
- (c) *include the policy in the Policy Manual if no or only minor public submissions are received.*

ADDITIONAL INFORMATION:

1. Clause 2.3 – National or International Events

This clause has been amended to more clearly describe events which are a part of a national or international tour. Reference to dates has been included.

2. Clause 4.1 - Bond

A view has been expressed that a \$5,000 bond for noise control will achieve very little to ensure compliance. Any such bond needs to be substantial enough to have some impact. A review of other major venues which host concerts revealed the following:

1. The Western Australian Cricket Association (WACA) has no noise bond.
2. Subiaco Oval, which is controlled by the Western Australian Football Commission (WAFC), has a Noise Bond of \$40,000 that is held in trust from ticket sales for the Subiaco Council. The City's Chief Executive Officer is advised of justified noise complaints and has the authority to impose fines, usually in range \$5,000 - \$10,000 for unreasonable breaches of sound levels. The WAFC then pay the Subiaco Council the fines and refund the promoter with the balance of the \$40,000.
3. At Members Equity Stadium, a bond of \$20,000 is paid to Allia Venue Management (Stadium Managers) however, this is to cover for non-compliance with the Deed of Licence requirements (which requires compliance with Local Government, Health, Environmental Protections Acts, nuisances and damage to the Stadium). However, this bond is controlled by Allia and not the Town. It should be noted that a \$5,000 bond is already held by the Town as required by the Heads of Agreement. The Heads of Agreement bond covers:
 - (a) damage in the streets or to private properties;
 - (b) street litter cleanup;
 - (c) callouts by the Town's officers as a result of complaints at the Stadium.

However, this bond requires both the Town's and Allia's approval for bond monies to be used to rectify non-compliances.

Accordingly, a separate bond in the range of \$10,000 - \$20,000 is considered appropriate.

3. Clause 5.2

Council has consistently requested public transport ticketing to be part of the event ticket.

The Acting Marketing Manager, Transperth, Regional & School Bus Services Division advised on 25 July 2005 that "Joint Ticketing" is being phased out (likely to cease in December 2005) due to a new electronic ticketing 'SmartRider' GPS system (similar to Sydney's Public Transport Ticketing System). A Flat Rate Cost Model will be in place in future to arrange public transport based on attendance figures.

Accordingly, reference to "joint ticketing" or its equivalent has been included for attendances estimated to be above 10,000 attendees.

A copy of Stadium Manager's, Allia Venue Management Pty Ltd (Allia), letter dated 27 May 2005 is tabled and circulated to all Elected Members (as requested by Allia).

PURPOSE OF REPORT:

The purpose of this report is for the Council to adopt a draft policy relating to Concerts at Perth Oval (Members Equity Stadium).

BACKGROUND:

At the Council Meeting held on 8 March 2005, the Council received the report on the two 'Moonlight Music and Wine' events held at Members Equity Stadium. Overall, the events provided spectacular entertainment to thousands of patrons. The Stadium Manager advised that the John Farnham/Tom Jones Concert had 15,655 attendees and the Moonlight Food and Wine Festival had 6,910 attendees.

The events were best described as generally well accepted by the community at large. The Town's Officers worked closely with the Stadium Manager and Promoter to devise and implement reasonable measures to safeguard the wellbeing of the wider community as far as practicable.

Most aspects of Event Management are reasonably easy to manage. However, concerts are deemed non-complying events from a sound level perspective and the best way in managing this aspect is by limiting the number of concerts and the type of music allowed as incorporated in the Draft Policy.

On 8 March 2005 Council resolved *inter alia* as follows:

- (i) *RECEIVES the report on the recent Moonlight Concerts held at Members Equity Stadium (Perth Oval) located at No. 310 Pier Street, Perth on 15 and 19 February 2005 and Proposed Key Performance Indicators for Future Events;*
- (iii) *AMENDS the proposed concert policy to include consultation with residents of Bulwer and Lord Streets in addition to Pier and Brewer Streets;*
- (v) *REQUIRES a Bond of \$20,000 (in addition to any other bond lodged with Allia) to be lodged with the Council prior to any future Commercial Concert Events being approved and for the Bond to be used by the Town in the event that Deed of Licence conditions are breached (in particular, damage to the premises and significant breaches of sound control measures); and*
- (vi) *DIRECTS the Mayor and CEO (Town's representative on the Stadium Committee) that they shall ensure compliance with the Council's conditions prior to approving any applications for future concerts at Members Equity Stadium.'*

Since the Council Resolution, the draft policy has been discussed, on numerous occasions, with the Stadium Managers (Allia Holdings Pty Ltd) to finalise the draft. On 14 July 2005 the final Draft Concert Policy was endorsed by the Stadium Committee and it was recommended it be forwarded to the Council for consideration and approval.

VARIATIONS IN THE FINAL DRAFT POLICY:

The following is a summary of the differences between the tow draft policies:

No.	OMC 8 March 2005	Final Draft Policy
1	Not more than one concert per month;	A maximum of two concerts per month during the months of November to March - Maximum of 12 per year; <i>Comment:</i> <i>Summer months are the preferred period by Promoters. Limiting to a maximum of 12 is acceptable to the Stadium Managers. In reality, it will be most unlikely that 12 concerts will be held as outdoor concerts cannot be held in wet weather.</i>
2	All amplified music to cease by 10.00pm;	All amplified music to cease by 10.30pm; <i>Comment:</i> <i>Concert Promoters have requested 11.00pm which they contend is industry standard, half an hour compromise is deemed reasonable.</i>
3	No concerts to be scheduled between Sunday and Thursday (limited to Fridays and Saturdays);	Whenever possible, every endeavour should be made to ensure that concerts are not to be held between Sunday and Thursday inclusive. Concerts applying to be held between Sunday and Thursday will only be approved in they are national or international artists. <i>Comment:</i> <i>Flexibility in this regard is necessary to ensure the community does not loose out on a preferred International Artists.</i>
4	Noise Control and Concert Bond of \$20,000 to penalise a promoter for noise control policy breaches or failure to provide contact details or respond to nearby residents complaints (beaches of the sound control measures and policy) in the discretion of the Town's Chief Executive Officer;	A Noise Control and Concert Bond of \$5,000 to be submitted to the Town with the Deed of Licence. This will be used by the Town to penalise a promoter for a serious breach(es) of the noise control policy requirements and where the promoter fails to remedy the non-compliance as directed by the Town. The bond can be used in the absolute discretion of the Town's Chief Executive Officer. <i>Comment:</i> <i>Objections were received that \$20,000 is unreasonable and excessive. This may cause potential users to doubt the financial competitiveness of using the Stadium. A \$5,000 bond is considered more realistic.</i>
5	Maximum sound level of 75 decibels to be received by nearby residential properties and businesses;	Maximum sound level of 80 decibels (dB[A]) to be received on the footpath at the nearest residential property and 101 decibels (dB[A]) at the mixing desk. However, should more than three (3) noise complaints be received within 15 minutes the sound levels are to be adjusted (lowered) to rectify or address the complaint. <i>Comment:</i> <i>These levels are based on Industry Standards discussed with Department of Environment and Acoustic Engineer.</i>

No.	OMC 8 March 2005	Final Draft Policy
6	Pre-event sound check is limited to 0.5 hour;	<p>Pre-event sound checks are to be as follows:</p> <ul style="list-style-type: none"> (a) Between 3.30pm and 7.30pm prior to event day for a maximum of 60 minutes; and/or (b) Between 11.00am and 6.00pm on the event day for a maximum of 60 minutes. <p><u>Comment:</u> <i>Objections were received that the 0.5 hour is too restrictive for Artists given Industry Standards.</i></p>
7	Joint ticketing with Transperth is to be in place effectively from 1 April 2005 for events that exceed 10,000 tickets;	<p>A Public Transport Promotion Strategy is to be submitted and is subject to approval by the Town's Chief Executive Officer for events with attendees estimated to be above 10,000 attendees;</p> <p><u>Comment:</u> <i>Joint Ticketing agreement could not be reached between all parties due to substantial financial cost (approx \$1.10 per ticket). Allia could not reach agreement with the level of public transport to be provided and this not being a requirement at other WA Venues. Furthermore, it is a condition of the Deed of Licence/Heads of Agreement that the proforma Deeds cannot be changed by either the Town or the Manager (Allia) without the prior approval of each being obtained. The "joint ticketing" requirement was a condition requested by the Council at its Ordinary Meetings held on 21 December and 18 January 2005 without the prior discussion with Allia. However, greater use of public transport may still be achieved by introducing public transport strategies.</i></p>

LEGAL/POLICY IMPLICATIONS:

The Financial Assistance Agreement and the Heads of Agreement state:

"that the facility be made available to as many sporting groups as the facility design permits, including cultural and artistic events and significant occasions such as World Championships, Commonwealth Games etc"

"The Heads of Agreement shall be varied by including a new Key Performance Indicator numbered 9 in the following form:

Key Performance Indicator – Proforma Standard Deed of Licence

The copy of the standard Deed of Licence duly dated and initialled by Allia and the Town is to be used by the Stadium Manager as the standard Deed of Licence for events to be held at the Stadium and changes to the proforma as a proforma may only be made with the prior approval of both the Town and the Stadium Manager (which approval both the Town and the Stadium Manager will not unreasonably withhold)."

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area 3.2(e) *"Develop business strategies that provide a triple bottom line return for the Town."*

COMMUNITY CONSULTATION/ADVERTISING:

The Draft Policy will be advertised for a period of twenty-one (21) days, in accordance with the Town's Community Consultation Policy. In addition, it will be sent to nearby residents of Bulwer, Lord, Pier and Brewer Streets for comment within the same period.

COMMENTS:

The draft concert policy has been the subject of numerous discussions and considerable negotiations with the Stadium Managers (Allia). The changes which have been negotiated take cognisance of industry standards and practices and balances the financial costs of complying with the various conditions to ensure that the Stadium retains its competitiveness for users, whilst at the same time provides protection to residents in the vicinity of the Stadium.

The draft policy will be reviewed after each concert and thereafter on an annual basis to ensure that it meets the needs of the Town, the residents, the Stadium Manager and stadium users.

It is deemed appropriate that the Council adopt the Draft Concert Policy endorsed and recommended by the Stadium Committee and authorise the Chief Executive Officer to advertise it for community comment.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.30pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 July 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005